

retelling of those memories, yet frequently those who served during times of conflict are reticent to family and friends about their experiences.

(7) It is in the Nation's best interest to collect and catalog oral histories of American war veterans so that future generations will have original sources of information regarding the lives and times of those who served in war and the conditions under which they endured, so that Americans will always remember those who served in war and may learn first-hand of the heroics, tediousness, horrors, and triumphs of war.

(8) The Library of Congress, as the Nation's oldest Federal cultural institution and largest and most inclusive library in human history (with nearly 119,000,000 items in its multimedia collection)¹ is an appropriate repository to collect, preserve, and make available to the public an archive of these oral histories. The Library's American Folklife Center has expertise in the management of documentation projects and experience in the development of cultural and educational programs for the public.

(b) Purpose

It is the purpose of this subchapter to create a new federally sponsored, authorized, and funded program that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of American war veterans, and to assist and encourage local efforts to preserve the memories of this Nation's war veterans so that Americans of all current and future generations may hear directly from veterans and better appreciate the realities of war and the sacrifices made by those who served in uniform during wartime.

(Pub. L. 106-380, § 2, Oct. 27, 2000, 114 Stat. 1447.)

SHORT TITLE

For short title of this subchapter as the "Veterans' Oral History Project Act", see section 1 of Pub. L. 106-380, set out as a note under section 2101 of this title.

§ 2142. Establishment of program at American Folklife Center to collect video and audio recordings of histories of veterans

(a) In general

The Director of the American Folklife Center at the Library of Congress shall establish an oral history program—

(1) to collect video and audio recordings of personal histories and testimonials of veterans of the Armed Forces who served during a period of war;

(2) to create a collection of the recordings obtained (including a catalog and index) which will be available for public use through the National Digital Library of the Library of Congress and such other methods as the Director considers appropriate to the extent feasible subject to available resources; and

(3) to solicit, reproduce, and collect written materials (such as letters and diaries) relevant to the personal histories of veterans of the

Armed Forces who served during a period of war and to catalog such materials in a manner the Director considers appropriate, consistent with and complimentary¹ to the efforts described in paragraphs (1) and (2).

(b) Use of and consultation with other entities

The Director may carry out the activities described in paragraphs (1) and (3) of subsection (a) of this section through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the program under this subchapter.

(c) Timing

As soon as practicable after October 27, 2000, the Director shall begin collecting video and audio recordings under subsection (a)(1) of this section, and shall attempt to collect the first such recordings from the oldest veterans.

(Pub. L. 106-380, § 3, Oct. 27, 2000, 114 Stat. 1448.)

§ 2143. Private support

(a) Acceptance of donations

The Librarian of Congress may solicit and accept donations of funds and in-kind contributions to carry out the oral history program under section 2142 of this title.

(b) Establishment of separate gift account

There is established in the Treasury (among the accounts of the Library of Congress) a gift account for the oral history program under section 2142 of this title.

(c) Dedication of funds

Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to carry out the oral history program under section 2142 of this title shall be deposited entirely into the gift account established under subsection (b) of this section;

(2) the funds contained in such account shall be used solely to carry out the oral history program under section 2142 of this title; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of carrying out the oral history program under section 2142 of this title.

(Pub. L. 106-380, § 4, Oct. 27, 2000, 114 Stat. 1448.)

§ 2144. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter—

(1) \$250,000 for fiscal year 2001; and

(2) such sums as may be necessary for each succeeding fiscal year.

(Pub. L. 106-380, § 5, Oct. 27, 2000, 114 Stat. 1449.)

CHAPTER 44—CAREER AND TECHNICAL EDUCATION

Sec. 2301.	Purpose.
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¹ So in original. Probably should be followed by a comma.

¹ So in original. Probably should be complementary.

- Sec.
 2302. Definitions.
 2303. Transition provisions.
 2304. Privacy.
 2305. Limitation.
 2306. Special rule.
 2306a. Prohibitions.
 2307. Authorization of appropriations.
 2308. Interdepartmental Task Force on Vocational Education and Related Programs.

SUBCHAPTER I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

2321. Reservations and State allotment.
 2322. Within State allocation.
 2323. Accountability.
 2324. National activities.
 2325. Assistance for outlying areas.
 2326. Native American programs.
 2327. Tribally controlled postsecondary career and technical institutions.
 2328. Occupational and employment information.

PART B—STATE PROVISIONS

2341. State administration.
 2342. State plan.
 2343. Improvement plans.
 2344. State leadership activities.

PART C—LOCAL PROVISIONS

2351. Distribution of funds to secondary education programs.
 2352. Distribution of funds for postsecondary education programs.
 2353. Special rules for career and technical education.
 2354. Local plan for career and technical education programs.
 2355. Local uses of funds.

SUBCHAPTER II—TECH PREP EDUCATION

2371. State allotment and application.
 2372. Consolidation of funds.
 2373. Tech prep program.
 2374. Consortium applications.
 2375. Report.
 2376. Authorization of appropriations.

SUBCHAPTER III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

2391. Fiscal requirements.
 2392. Authority to make payments.
 2393. Construction.
 2394. Voluntary selection and participation.
 2395. Limitation for certain students.
 2396. Federal laws guaranteeing civil rights.
 2397. Participation of private school personnel and children.
 2398. Limitation on Federal regulations.

PART B—STATE ADMINISTRATIVE PROVISIONS

2411. Joint funding.
 2412. Prohibition on use of funds to induce out-of-State relocation of businesses.
 2413. State administrative costs.
 2414. Student assistance and other Federal programs.

CODIFICATION

The Carl D. Perkins Career and Technical Education Act of 2006, comprising this chapter, was originally enacted as part A of Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, known as the Vocational Education Act of 1963, and classified to sections 35 to 35n of this title. Part A of Pub. L. 88-210 was subsequently redesignated as title I and amended generally by Pub. L. 90-576, title I, §101,

Oct. 16, 1968, 82 Stat. 1064, further amended by Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 93-567, Dec. 31, 1974, 88 Stat. 1845; Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 713; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375, and reclassified to chapter 32 (§§1241-1393f) of this title. Title I of Pub. L. 88-210 was subsequently amended generally by Pub. L. 94-482, title II, §202(a), Oct. 12, 1976, 90 Stat. 2169, and reclassified to this chapter. Pub. L. 88-210 was subsequently amended by Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2435, by striking out all after the enacting clause and inserting in lieu thereof titles I to V (§§1-521), to be cited as the Carl D. Perkins Vocational Education Act, and further amended by Pub. L. 99-159, Nov. 22, 1985, 99 Stat. 887; Pub. L. 99-357, July 8, 1986, 100 Stat. 761; Pub. L. 100-202, Dec. 22, 1987, 101 Stat. 1329; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-418, Aug. 23, 1988, 102 Stat. 1107. Pub. L. 88-210 was subsequently extensively amended by Pub. L. 101-392, Sept. 25, 1990, 104 Stat. 753, including an amendment to provide that the Act be cited as the Carl D. Perkins Vocational and Applied Technology Education Act, and was further amended by Pub. L. 101-476, Oct. 30, 1990, 104 Stat. 1103; Pub. L. 102-103, Aug. 17, 1991, 105 Stat. 497; Pub. L. 102-367, Sept. 7, 1992, 106 Stat. 1021; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125; Pub. L. 103-239, May 4, 1994, 108 Stat. 568; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707; Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581. Pub. L. 88-210 was subsequently amended generally by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, including an amendment to provide that the Act be cited as the Carl D. Perkins Vocational and Technical Education Act of 1998, and was further amended by Pub. L. 106-246, July 13, 2000, 114 Stat. 511; Pub. L. 106-554, Dec. 21, 2000, 114 Stat. 2763; Pub. L. 107-20, July 24, 2001, 115 Stat. 155; Pub. L. 107-110, Jan. 8, 2002, 115 Stat. 1425. Pub. L. 88-210 was subsequently amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, including an amendment to provide that the Act be cited as the Carl D. Perkins Career and Technical Education Act of 2006. Pub. L. 88-210 is shown herein, however, as having been added by Pub. L. 109-270 without reference to the intervening amendments listed above because of the extensive revision of Pub. L. 88-210 by Pub. L. 109-270.

§ 2301. Purpose

The purpose of this chapter is to develop more fully the academic and career and technical skills of secondary education students and postsecondary education students who elect to enroll in career and technical education programs, by—

(1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high skill, high wage, or high demand occupations in current or emerging professions;

(2) promoting the development of services and activities that integrate rigorous and challenging academic and career and technical instruction, and that link secondary education and postsecondary education for participating career and technical education students;

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve career and technical education, including tech prep education;

(4) conducting and disseminating national research and disseminating information on best practices that improve career and technical education programs, services, and activities;

(5) providing technical assistance that—

(A) promotes leadership, initial preparation, and professional development at the State and local levels; and

(B) improves the quality of career and technical education teachers, faculty, administrators, and counselors;

(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career and technical education schools, local workforce investment boards, business and industry, and intermediaries; and

(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education and training programs, the knowledge and skills needed to keep the United States competitive.

(Pub. L. 88-210, §2, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 684.)

PRIOR PROVISIONS

A prior section 2301, Pub. L. 88-210, §2, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077, stated purpose of this chapter, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2301, Pub. L. 88-210, §2, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 101-392, §2, Sept. 25, 1990, 104 Stat. 756, stated purpose of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-270, §1(a), Aug. 12, 2006, 120 Stat. 683, provided that: “This Act [see Tables for classification] may be cited as the ‘Carl D. Perkins Career and Technical Education Improvement Act of 2006’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-332, §1(a), Oct. 31, 1998, 112 Stat. 3076, provided that: “This Act [see Tables for classification] may be cited as the ‘Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-392, §1(a), Sept. 25, 1990, 104 Stat. 753, provided that: “This Act [see Tables for classification] may be cited as the ‘Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990’.”

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-576, §1, Oct. 16, 1968, 82 Stat. 1064, provided that: “This Act [enacting sections 6, 1119c to 1119c-4, 1226, 1241 to 1248, 1261 to 1264, 1281 to 1284, 1301 to 1305, 1321 to 1323, 1341, 1351 to 1355, 1371 to 1374, and 1391 of this title, amending sections 237, 237 note, 238, 239, 240, 241, 403, 421, 422, 423, 423 note, 425, 425 note, 426, 441, 442, 442 note, 443, 444, 462, 464, 481, 482, 482 note, 483, 484, 491, 511, 521, 541, 551, 561, 563, 588, 589, 611, 633, 644, 645, 1202, and 1221 of this title, repealing sections 15i, 15i note, 15j to 15q, 15aa to 15jj, 15aaa to 15ggg, 30, 31 to 33, and 34 of this title and section 1667 of Title 48, Territories and Insular Possessions, and enacting provisions set out as notes under sections 6, 11, 240, 886, 1202, 1321, and 2301 of this title and section 2809 of Title 42, The Public Health and Welfare may be cited as the ‘Vocational Education Amendments of 1968’.”

SHORT TITLE

Pub. L. 88-210, §1(a), as added by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, provided that: “This Act [enacting this chapter] may be cited as the ‘Carl D. Perkins Career and Technical Education Act of 2006’.”

Pub. L. 88-210, title II, §201, as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3117, which pro-

vided that title II of Pub. L. 88-210, enacting subchapter II of this chapter, could be cited as the “Tech-Prep Education Act”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683.

VOCATIONAL EDUCATION POLICY

Section 6 of Pub. L. 98-524 provided that: “It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, and community colleges school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.”

§ 2302. Definitions

Unless otherwise specified, in this chapter:

(1) Administration

The term “administration”, when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient’s duties under this chapter, including the supervision of such activities. Such term does not include curriculum development activities, personnel development, or research activities.

(2) All aspects of an industry

The term “all aspects of an industry” means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter, including information as described in section 2328 of this title.

(3) Area career and technical education school

The term “area career and technical education school” means—

(A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than 5 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits,

as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

(4) Articulation agreement

The term “articulation agreement” means a written commitment—

(A) that is agreed upon at the State level or approved annually by the lead administrators of—

(i) a secondary institution and a postsecondary educational institution; or

(ii) a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

(B) to a program that is—

(i) designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and

(ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).

(5) Career and technical education

The term “career and technical education” means organized educational activities that—

(A) offer a sequence of courses that—

(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

(6) Career and technical student organization

(A) In general

The term “career and technical student organization” means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

(B) State and national units

An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

(7) Career guidance and academic counseling

The term “career guidance and academic counseling” means guidance and counseling that—

(A) provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual’s occupational and academic future; and

(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

(8) Charter school

The term “charter school” has the meaning given the term in section 7221i of this title.

(9) Cooperative education

The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

(B) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(10) Displaced homemaker

The term “displaced homemaker” means an individual who—

(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on the income of another family member but is no longer supported by that income; or

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(11) Educational service agency

The term “educational service agency” has the meaning given the term in section 7801 of this title.

(12) Eligible agency

The term “eligible agency” means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State.

(13) Eligible institution

The term “eligible institution” means—

(A) a public or nonprofit private institution of higher education that offers career

and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

(B) a local educational agency providing education at the postsecondary level;

(C) an area career and technical education school providing education at the postsecondary level;

(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

(E) an educational service agency; or

(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

(14) Eligible recipient

The term “eligible recipient” means—

(A) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 2351 of this title; or

(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 2352 of this title.

(15) Governor

The term “Governor” means the chief executive officer of a State.

(16) Individual with limited English proficiency

The term “individual with limited English proficiency” means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment in which a language other than English is the dominant language.

(17) Individual with a disability

(A) In general

The term “individual with a disability” means an individual with any disability (as defined in section 12102 of title 42).

(B) Individuals with disabilities

The term “individuals with disabilities” means more than 1 individual with a disability.

(18) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1001 of this title.

(19) Local educational agency

The term “local educational agency” has the meaning given the term in section 7801 of this title.

(20) Non-traditional fields

The term “non-traditional fields” means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(21) Outlying area

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(22) Postsecondary educational institution

The term “postsecondary educational institution” means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(23) Postsecondary education tech prep student

The term “postsecondary education tech prep student” means a student who—

(A) has completed the secondary education component of a tech prep program; and

(B) has enrolled in the postsecondary education component of a tech prep program at an institution of higher education described in clause (i) or (ii) of section 2373(a)(1)(B) of this title.

(24) School dropout

The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(25) Scientifically based research

The term “scientifically based research” means research that is carried out using scientifically based research standards, as defined in section 9501 of this title.

(26) Secondary education tech prep student

The term “secondary education tech prep student” means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.

(27) Secondary school

The term “secondary school” has the meaning given the term in section 7801 of this title.

(28) Secretary

The term “Secretary” means the Secretary of Education.

(29) Special populations

The term “special populations” means—

(A) individuals with disabilities;

(B) individuals from economically disadvantaged families, including foster children;

(C) individuals preparing for non-traditional fields;

- (D) single parents, including single pregnant women;
- (E) displaced homemakers; and
- (F) individuals with limited English proficiency.

(30) State

The term “State”, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(31) Support services

The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(32) Tech prep program

The term “tech prep program” means a tech prep program described in section 2373(c) of this title.

(33) Tribally controlled college or university

The term “tribally controlled college or university” has the meaning given the term in section 1801(a) of title 25.

(34) Tribally controlled postsecondary career and technical institution

The term “tribally controlled postsecondary career and technical institution” means an institution of higher education (as defined in section 1001 of this title, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;
- (B) offers a technical degree or certificate granting program;
- (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;
- (E) has been in operation for at least 3 years;
- (F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary career and technical education; and
- (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

(Pub. L. 88-210, §3, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 685; amended Pub. L. 110-315, title IX, §941(k)(2)(D)(i), Aug. 14, 2008, 122 Stat. 3466.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (10)(A)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as

amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in par. (13)(D), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Act of April 16, 1934, referred to in par. (13)(D), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 452 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 2302, Pub. L. 88-210, §3, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077; amended Pub. L. 107-110, title X, §1076(k), Jan. 8, 2002, 115 Stat. 2091, related to definitions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2302, Pub. L. 88-210, §3, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 100-418, title VI, §§6131(b), 6134(b), Aug. 23, 1988, 102 Stat. 1511, 1512; Pub. L. 101-392, §3, Sept. 25, 1990, 104 Stat. 756, authorized appropriations for fiscal years 1991 to 1995 to carry out former subchapters I to IV of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2008—Par. (33). Pub. L. 110-315 made technical amendment to reference in original act which appears in text as reference to section 1801(a) of title 25.

§ 2303. Transition provisions

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this chapter (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006) from any authority under the provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998, as in effect on the day before August 12, 2006. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following August 12, 2006.

(Pub. L. 88-210, §4, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

REFERENCES IN TEXT

This chapter (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006), referred to in text, is this chapter as amended by Pub. L. 109-270, Aug. 12, 2006, 120 Stat. 683.

The Carl D. Perkins Vocational and Technical Education Act of 1998, as in effect on the day before August 12, 2006, referred to in text, means Pub. L. 88-210, as amended, which was classified generally to this chapter, prior to being amended generally and renamed the Carl D. Perkins Career and Technical Education Act of 2006 by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683.

PRIOR PROVISIONS

A prior section 2303, Pub. L. 88-210, §4, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to transition provisions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2303, Pub. L. 101-392, §4, Sept. 25, 1990, 104 Stat. 758; Pub. L. 104-66, title I, §1041(f),

Dec. 21, 1995, 109 Stat. 715, which related to the Interdepartmental Task Force on Vocational Education and Related Programs, was transferred to section 2308 of this title.

§ 2304. Privacy

(a) GEPA

Nothing in this chapter shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(b) Prohibition on development of national database

Nothing in this chapter shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this chapter.

(Pub. L. 88-210, §5, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2304, Pub. L. 88-210, §5, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to privacy, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2305. Limitation

All of the funds made available under this chapter shall be used in accordance with the requirements of this chapter.

(Pub. L. 88-210, §6, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2305, Pub. L. 88-210, §6, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to limitation on use of funds, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2306. Special rule

In the case of a local community in which no employees are represented by a labor organization, for purposes of this chapter, the term “representatives of employees” shall be substituted for “labor organization”.

(Pub. L. 88-210, §7, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2306, Pub. L. 88-210, §7, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083, related to special rule, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2306a. Prohibitions

(a) Local control

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter, except as required under sections 2322(b), 2391(b), and 2413 of this title.

(b) No preclusion of other assistance

Any State that declines to submit an application to the Secretary for assistance under this

chapter shall not be precluded from applying for assistance under any other program administered by the Secretary.

(c) Prohibition on requiring Federal approval or certification of standards

Notwithstanding any other provision of Federal law, no State shall be required to have academic and career and technical content standards or student academic and career and technical achievement standards approved or certified by the Federal Government, in order to receive assistance under this chapter.

(d) Rule of construction

Nothing in this section shall be construed to affect the requirements under section 2323 of this title.

(e) Coherent and rigorous content

For the purposes of this chapter, coherent and rigorous content shall be determined by the State consistent with section 6311(b)(1)(D) of this title.

(Pub. L. 88-210, §8, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 88-210 was classified to section 2307 of this title prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2307. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter (other than sections 2324, 2327, and 2328 of this title, and subchapter II) such sums as may be necessary for each of the fiscal years 2007 through 2012.

(Pub. L. 88-210, §9, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691.)

PRIOR PROVISIONS

A prior section 2307, Pub. L. 88-210, §8, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083, related to authorization of appropriations, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2308. Interdepartmental Task Force on Vocational Education and Related Programs

(a) Establishment

There is established the Interdepartmental Task Force on Vocational Education and Related Programs (in this section referred to as the “Task Force”).

(b) Membership

The Task Force shall consist of the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and such other personnel of the Department of Education, the Department of Labor, and the Department of Health and Human Services as the Secretaries consider appropriate.

(c) Duties

The Task Force shall—

(1) examine principal data required for programs under the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Job Training Partnership Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act [29 U.S.C. 49 et seq.];

(2) examine possible common objectives, definitions, measures, and standards for such programs; and

(3) consider integration of research and development conducted with Federal assistance in the area of vocational education and related areas, including areas of emerging technologies.

(Pub. L. 101-392, §4, Sept. 25, 1990, 104 Stat. 758; Pub. L. 104-66, title I, §1041(f), Dec. 21, 1995, 109 Stat. 715.)

REFERENCES IN TEXT

The Adult Education Act, referred to in subsec. (c)(1), was title III of Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1216, as amended, which was classified generally to chapter 30 (§1201 et seq.) of this title, prior to repeal by Pub. L. 105-220, title II, §251(a)(1), Aug. 7, 1998, 112 Stat. 1079. For complete classification of this Act to the Code, see Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (c)(1), was Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which was classified generally to this chapter, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, and amended generally and renamed the Carl D. Perkins Career and Technical Education Act of 2006 by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683. For complete classification of Pub. L. 88-210 to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Job Training Partnership Act, referred to in subsec. (c)(1), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (c)(1), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Wagner-Peyser Act, referred to in subsec. (c)(1), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified principally to chapter 4B (§49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

CODIFICATION

Section was enacted as part of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, and not as part of the Carl D. Perkins Career and Technical Education Act of 2006 which comprises this chapter.

Section was formerly classified to section 2303 of this title.

PRIOR PROVISIONS

Prior sections 2311 to 2313 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2311, Pub. L. 88-210, title I, §101, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2438; amended

Pub. L. 99-159, title VII, §701, Nov. 22, 1985, 99 Stat. 904; Pub. L. 99-357, July 8, 1986, 100 Stat. 761; Pub. L. 101-392, title I, §101(a), Sept. 25, 1990, 104 Stat. 759, related to allotments to States. See section 2321 of this title.

Section 2311a, Pub. L. 88-210, title I, §101A, as added Pub. L. 101-392, title I, §101(b), Sept. 25, 1990, 104 Stat. 760; amended Pub. L. 103-208, §3, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §369, Oct. 20, 1994, 108 Stat. 3976, related to grants to the territories. See section 2325 of this title.

Section 2312, Pub. L. 88-210, title I, §102, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 99-159, title VII, §702, Nov. 22, 1985, 99 Stat. 904; Pub. L. 101-392, title I, §102, Sept. 25, 1990, 104 Stat. 761; Pub. L. 102-103, title III, §311(a), Aug. 17, 1991, 105 Stat. 505, related to within State allocations. See section 2322 of this title.

Section 2313, Pub. L. 88-210, title I, §103, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 101-392, title I, §103, Sept. 25, 1990, 104 Stat. 762; Pub. L. 102-103, title III, §311(b), Aug. 17, 1991, 105 Stat. 505, related to Indian and Hawaiian natives programs.

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out heading and text of subsec. (d). Text read as follows: “The Task Force shall, every 2 years, submit a report on its findings to the appropriate committees of the Congress.”

SUBCHAPTER I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

§ 2321. Reservations and State allotment

(a) Reservations and State allotment

(1) Reservations

From the sum appropriated under section 2307 of this title for each fiscal year, the Secretary shall reserve—

(A) 0.13 percent to carry out section 2325 of this title; and

(B) 1.50 percent to carry out section 2326 of this title, of which—

(i) 1.25 percent of the sum shall be available to carry out section 2326(b) of this title; and

(ii) 0.25 percent of the sum shall be available to carry out section 2326(h) of this title.

(2) State allotment formula

Subject to paragraphs (3), (4), and (5), from the remainder of the sum appropriated under section 2307 of this title and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

(3) Minimum allotment for years with no additional funds

(A) In general

Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount appropriated under section 2307 of this title and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) Requirement

No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year.

(C) Special rule

(i) In general

Subject to paragraph (5), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

(I) 150 percent of the amount that the State received in the preceding fiscal year; and

(II) the amount calculated under clause (ii).

(ii) Amount

The amount calculated under this clause shall be determined by multiplying—

(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year.

(4) Minimum allotment for years with additional funds

(A) In general

Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount appropriated

under section 2307 of this title and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) Special rule

In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

(i) $\frac{1}{2}$ of 1 percent of the amount appropriated under section 2307 of this title and not reserved under paragraph (1) for such fiscal year; and

(ii) the sum of—

(I) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before August 12, 2006); and

(II) the product of—

(aa) $\frac{1}{3}$ of the additional funds; multiplied by

(bb) the quotient of—

(AA) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made; divided by

(BB) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

(C) Ratio

For purposes of subparagraph (B)(ii)(II)(bb)(AA), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

(i) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before August 12, 2006); divided by

(ii) $\frac{1}{2}$ of 1 percent of the amount appropriated under section 2307 of this title and not reserved under paragraph (1) for the fiscal year for which the determination is made.

(D) Definitions

In this paragraph:

(i) Additional funds

The term "additional funds" means the amount by which—

(I) the sum appropriated under section 2307 of this title and not reserved under paragraph (1) for a fiscal year; exceeds

(II) the sum of—

(aa) the amount allotted under paragraph (2) for fiscal year 2006 (as such paragraph (2) was in effect on the day before August 12, 2006);

(bb) the amount reserved under paragraph (1)(C) for fiscal year 2006 (as such paragraph (1)(C) was so in effect); and

(cc) \$827,671.

(ii) Qualifying State

The term "qualifying State" means a State (except the United States Virgin Is-

lands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

(5) Hold harmless

(A) In general

No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before October 31, 1998) for fiscal year 1998.

(B) Ratable reduction

If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

(b) Reallotment

If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

(c) Allotment ratio

(1) In general

The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

(2) Promulgation

The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the

appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

(3) Definition of per capita income

For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) Population determination

For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

(d) Definition of State

For the purpose of this section, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(Pub. L. 88-210, title I, §111, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691.)

REFERENCES IN TEXT

Paragraphs (1)(C) and (2), as such paragraphs were in effect on the day before August 12, 2006, referred to in subsec. (a)(4)(B)(ii)(I), (C)(i), (D)(i)(II)(aa), (bb), mean paragraphs (1)(C) and (2) of section 2321(a) of this title, as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083, as amended, prior to the general amendment of this chapter by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691. See Prior Provisions note below.

Part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act, as such part was in effect on the day before October 31, 1998, referred to in subsec. (a)(5)(A), means part A of title I of Pub. L. 88-210, as added by Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2438, as amended, which was classified to part A (§2311 et seq.) of subchapter I of this chapter prior to the general amendment of this chapter by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

PRIOR PROVISIONS

A prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083; amended Pub. L. 106-246, div. B, title II, §2403(b), July 13, 2000, 114 Stat. 555, related to reservations and State allotment, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2441; amended Pub. L. 101-392, title I, §111, Sept. 25, 1990, 104 Stat. 763; Pub. L. 103-382, title III, §391(s)(1), Oct. 20, 1994, 108 Stat. 4024, related to State administration, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2322. Within State allocation

(a) In general

From the amount allotted to each State under section 2321 of this title for a fiscal year, the eligible agency shall make available—

(1) not less than 85 percent for distribution under section 2351 or 2352 of this title, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

(2) not more than 10 percent to carry out State leadership activities described in section 2344 of this title, of which—

(A) an amount equal to not more than 1 percent of the amount allotted to the State

under section 2321 of this title for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields; and

(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

- (A) developing the State plan;
- (B) reviewing a local plan;
- (C) monitoring and evaluating program effectiveness;
- (D) assuring compliance with all applicable Federal laws;
- (E) providing technical assistance; and
- (F) supporting and developing State data systems relevant to the provisions of this chapter.

(b) Matching requirement

Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

(c) Reserve

From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for career and technical education activities described in section 2355 of this title in—

- (1) rural areas;
- (2) areas with high percentages of career and technical education students; and
- (3) areas with high numbers of career and technical education students.

(Pub. L. 88-210, title I, § 112, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 695.)

PRIOR PROVISIONS

A prior section 2322, Pub. L. 88-210, title I, § 112, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3086, related to allocations within States, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2322, Pub. L. 88-210, title I, § 112, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2443; amended Pub. L. 99-159, title VII, § 703, Nov. 22, 1985, 99 Stat. 905; Pub. L. 101-392, title I, § 112, Sept. 25, 1990, 104 Stat. 765; Pub. L. 102-367, title VI, § 601(b)(1), Sept. 7, 1992, 106 Stat. 1102, related to State councils on vocational education, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2323. Accountability

(a) Purpose

The purpose of this section is to establish and support State and local performance accountability systems, comprised of the activities described in this section, to assess the effectiveness of the State and the eligible recipients of the State in achieving statewide progress in career and technical education, and to optimize the return of investment of Federal funds in career and technical education activities.

(b) State performance measures

(1) In general

Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

- (A) the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2);
- (B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(C); and
- (C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

(2) Indicators of performance

(A) Core indicators of performance for career and technical education students at the secondary level

Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 6311(b)(1) of this title and measured by the State determined proficient levels on the academic assessments described in section 6311(b)(3) of this title.

(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

(iii) Student rates of attainment of each of the following:

(I) A secondary school diploma.

(II) A General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities).

(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).

(iv) Student graduation rates (as described in section 6311(b)(2)(C)(vi) of this title).

(v) Student placement in postsecondary education or advanced training, in military service, or in employment.

(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.

(B) Core indicators of performance for career and technical education students at the postsecondary level

Each eligible agency shall identify in the State plan core indicators of performance

for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

- (i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.
- (ii) Student attainment of an industry-recognized credential, a certificate, or a degree.
- (iii) Student retention in postsecondary education or transfer to a baccalaureate degree program.
- (iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.
- (v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

(C) Additional indicators of performance

An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this subchapter, such as attainment of self-sufficiency.

(D) Existing indicators

If a State has developed, prior to the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 [August 12, 2006], State career and technical education performance measures that meet the requirements of this section (as amended by such Act), the State may use such performance measures to measure the progress of career and technical education students.

(E) State role

Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

(F) Alignment of performance indicators

In the course of developing core indicators of performance and additional indicators of performance, an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, is used to meet the requirements of this section.

(3) State levels of performance

(A) State adjusted levels of performance for core indicators of performance

(i) In general

Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 2342 of this title, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of

paragraph (2) for career and technical education activities authorized under this subchapter. The levels of performance established under this subparagraph shall, at a minimum—

- (I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and
- (II) require the State to continually make progress toward improving the performance of career and technical education students.

(ii) Identification in the State plan

Subject to section 2303 of this title, each eligible agency shall identify, in the State plan submitted under section 2342 of this title, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

(iii) Agreement on State adjusted levels of performance for first 2 years

The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) Role of the Secretary

The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

(v) Agreement on State adjusted levels of performance for subsequent years

Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(vi) Factors

The agreement described in clause (iii) or (v) shall take into account—

- (I) how the levels of performance involved compare with the State adjusted levels of performance established for other States, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

(vii) Revisions

If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators

Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this subchapter.

(4) Local levels of performance

(A) Local adjusted levels of performance for core indicators of performance

(i) In general

Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performances, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this subchapter. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, consistent with the State levels of performance established under paragraph (3), so as to be objective, quantifiable, and measurable; and

(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.

(ii) Identification in the local plan

Each eligible recipient shall identify, in the local plan submitted under section 2354 of this title, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

(iii) Agreement on local adjusted levels of performance for first 2 years

The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause

shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

(iv) Agreement on local adjusted levels of performance for subsequent years

Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

(v) Factors

The agreement described in clause (iii) or (iv) shall take into account—

(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients in the State, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.

(vi) Revisions

If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators

Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this subchapter.

(C) Local report

(i) Content of report

Each eligible recipient that receives an allocation described in section 2322 of this title shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.

(ii) Data

Except as provided in clauses (iii) and (iv), each eligible recipient that receives an allocation described in section 2322 of this title shall—

(I) disaggregate data for each of the indicators of performance under paragraph (2) for the categories of students described in section 6311(h)(1)(C)(i) of this title and section 2302(29) of this title that are served under this chapter; and

(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under this chapter.

(iii) Nonduplication

The eligible agency shall ensure, in a manner that is consistent with the actions of the Secretary under subsection (c)(3), that each eligible recipient does not report duplicative information under this section.

(iv) Rules for reporting of data

The disaggregation of data under clause (ii) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

(v) Availability

The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.

(c) Report**(1) In general**

Each eligible agency that receives an allotment under section 2321 of this title shall annually prepare and submit to the Secretary a report regarding—

(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

(2) Data

Except as provided in paragraphs (3) and (4), each eligible agency that receives an allotment under section 2321 or 2371 of this title shall—

(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the categories of students described in section 6311(h)(1)(C)(i) of this title and section 2302(29) of this title that are served under this chapter; and

(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under this chapter, which shall include a quantifiable description of the progress each such category of students served by the eligible

agency under this chapter has made in meeting the State adjusted levels of performance.

(3) Nonduplication

The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

(4) Rules for reporting of data

The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

(5) Information dissemination

The Secretary—

(A) shall make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate committees of Congress with copies of such reports.

(Pub. L. 88-210, title I, §113, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 696.)

REFERENCES IN TEXT

This section (as amended by such Act), referred to in subsec. (b)(2)(D), is this section as added by Pub. L. 109-270.

PRIOR PROVISIONS

A prior section 2323, Pub. L. 88-210, title I, §113, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3087, related to accountability, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2323, Pub. L. 88-210, title I, §113, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2445; amended Pub. L. 99-159, title VII, §§704, 713(a)(1), (2), Nov. 22, 1985, 99 Stat. 905, 907; Pub. L. 101-392, title I, §113, Sept. 25, 1990, 104 Stat. 766; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(2), Oct. 20, 1994, 108 Stat. 4024, required submission of State plans, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2324. National activities**(a) Program performance information****(1) In general**

The Secretary shall collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this subchapter in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this subchapter, including an analysis of performance data regarding special populations.

(2) Compatibility

The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

(3) Assessments

As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career and technical education for a nationally representative sample of students. Such assessment may include international comparisons in the aggregate.

(b) Miscellaneous provisions**(1) Collection of information at reasonable cost**

The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this subchapter. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 2328 of this title (if applicable), shall determine the methodology to be used and the frequency with which information is to be collected.

(2) Cooperation of States

All eligible agencies receiving assistance under this chapter shall cooperate with the Secretary in implementing the information systems developed pursuant to this chapter.

(c) Single plan for research, development, dissemination, evaluation, and assessment**(1) In general**

The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the career and technical education programs under this chapter. The Secretary shall develop a single plan for such activities.

(2) Plan

Such plan shall—

(A) identify the career and technical education activities described in paragraph (1) that the Secretary will carry out under this section;

(B) describe how the Secretary will evaluate such career and technical education activities in accordance with subsection (d)(2); and

(C) include such other information as the Secretary determines to be appropriate.

(d) Advisory panel; evaluation; reports**(1) Independent advisory panel****(A) In general**

The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (2), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

(B) Members

The advisory panel shall consist of—

(i) educators, administrators, State directors of career and technical education, and chief executives, including those with

expertise in the integration of academic and career and technical education;

(ii) experts in evaluation, research, and assessment;

(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and workforce investment entities;

(iv) parents;

(v) career guidance and academic counseling professionals; and

(vi) other individuals and intermediaries with relevant expertise.

(C) Independent analysis

The advisory panel shall transmit to the Secretary, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (2).

(D) FACA

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.

(2) Evaluation and assessment**(A) In general**

From amounts made available under subsection (e), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this chapter, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

(B) Contents

The assessment required under subparagraph (A) shall include descriptions and evaluations of—

(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local career and technical education programs assisted under this chapter;

(ii) the preparation and qualifications of teachers and faculty of career and technical education (such as meeting State established teacher certification or licensing requirements), as well as shortages of such teachers and faculty;

(iii) academic and career and technical education achievement and employment outcomes of career and technical education, including analyses of—

(I) the extent and success of the integration of rigorous and challenging academic and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students receiving a secondary school diploma); and

(II) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations (including those in which mathematics and science skills are critical), or for participation in post-secondary education;

(iv) employer involvement in, and satisfaction with, career and technical education programs and career and technical education students' preparation for employment;

(v) the participation of students in career and technical education programs;

(vi) the use of educational technology and distance learning with respect to career and technical education and tech prep programs; and

(vii) the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of career and technical education services, including the percentage of career and technical education and tech prep students meeting the adjusted levels of performance described in section 2323 of this title.

(C) Reports

(i) In general

The Secretary shall submit to the relevant committees of Congress—

(I) an interim report regarding the assessment on or before January 1, 2010; and

(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.

(ii) Prohibition

Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the relevant committees of Congress and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (1) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

(3) Collection of State information and report

(A) In general

The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 2323(b) of this title.

(B) Report

The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the relevant committees in Congress.

(4) Research

(A) In general

From amounts made available under subsection (e), the Secretary, after consulting

with the States, shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center—

(i) to carry out scientifically based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for addressing the education, employment, and training needs of participants, including special populations, in career and technical education programs, including research and evaluation in such activities as—

(I) the integration of—

(aa) career and technical instruction; and

(bb) academic, secondary and post-secondary instruction;

(II) education technology and distance learning approaches and strategies that are effective with respect to career and technical education;

(III) State adjusted levels of performance and State levels of performance that serve to improve career and technical education programs and student achievement;

(IV) academic knowledge and career and technical skills required for employment or participation in postsecondary education; and

(V) preparation for occupations in high skill, high wage, or high demand business and industry, including examination of—

(aa) collaboration between career and technical education programs and business and industry; and

(bb) academic and technical skills required for a regional or sectoral workforce, including small business;

(ii) to carry out scientifically based research and evaluation to increase the effectiveness and improve the implementation of career and technical education programs that are integrated with coherent and rigorous content aligned with challenging academic standards, including conducting research and development, and studies, that provide longitudinal information or formative evaluation with respect to career and technical education programs and student achievement;

(iii) to carry out scientifically based research and evaluation that can be used to improve the preparation and professional development of teachers, faculty, and administrators, and to improve student learning in the career and technical education classroom, including—

(I) effective in-service and preservice teacher and faculty education that assists career and technical education programs in—

(aa) integrating those programs with academic content standards and student academic achievement standards,

as adopted by States under section 6311(b)(1) of this title; and

(bb) coordinating technical education with industry-recognized certification requirements;

(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical skills, State academic standards, and related materials; and

(III) the recruitment and retention of career and technical education teachers, faculty, counselors, and administrators, including individuals in groups underrepresented in the teaching profession; and

(iv) to carry out such other research and evaluation, consistent with the purposes of this chapter, as the Secretary determines appropriate to assist State and local recipients of funds under this chapter.

(B) Report

The center conducting the activities described in subparagraph (A) shall annually prepare a report of the key research findings of such center and shall submit copies of the report to the Secretary, the relevant committees of Congress, the Library of Congress, and each eligible agency.

(C) Dissemination

The center shall conduct dissemination and training activities based upon the research described in subparagraph (A).

(5) Demonstrations and dissemination

The Secretary is authorized to carry out demonstration career and technical education programs, to replicate model career and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing career and technical education programs assisted under this chapter.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012. (Pub. L. 88-210, title I, § 114, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 702.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d)(1)(D), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Carl D. Perkins Career and Technical Education Improvement Act of 2006, referred to in subsec. (d)(2)(A), is Pub. L. 109-270, Aug. 12, 2006, 120 Stat. 683. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 2301 of this title and Tables.

PRIOR PROVISIONS

A prior section 2324, Pub. L. 88-210, title I, § 114, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3089,

related to national activities, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2324, Pub. L. 88-210, title I, § 114, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, § 114, Sept. 25, 1990, 104 Stat. 769, related to development and approval of State plans, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2325. Assistance for the outlying areas

(a) Outlying areas

From funds reserved pursuant to section 2321(a)(1)(A) of this title, the Secretary shall—

(1) make a grant in the amount of \$660,000 to Guam;

(2) make a grant in the amount of \$350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

(3) make a grant of \$160,000 to the Republic of Palau, subject to subsection (d).

(b) Remainder

(1) First year

Subject to subsection (a), for the first fiscal year following August 12, 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

(A) teacher and counselor training and retraining;

(B) curriculum development; and

(C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.

(2) Subsequent years

Subject to subsection (a), for the second fiscal year following August 12, 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

(c) Limitation

The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.

(d) Restriction

The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.

(Pub. L. 88-210, title I, §115, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 706.)

PRIOR PROVISIONS

A prior section 2325, Pub. L. 88-210, title I, §115, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094, related to assistance for outlying areas, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2325, Pub. L. 88-210, title I, §115, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §115, Sept. 25, 1990, 104 Stat. 770; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(3), Oct. 20, 1994, 108 Stat. 4024, related to State and local standards and measures, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2326. Native American programs

(a) Definitions

In this section:

(1) Alaska Native

The term “Alaska Native” means a Native as such term is defined in section 1602 of title 43.

(2) Bureau-funded school

The term “Bureau-funded school” has the meaning given the term in section 2021 of title 25.

(3) Indian, Indian tribe, and tribal organization

The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given the terms in section 450b of title 25.

(4) Native Hawaiian

The term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(5) Native Hawaiian organization

The term “Native Hawaiian organization” has the meaning given the term in section 7517 of this title.

(b) Program authorized

(1) Authority

From funds reserved under section 2321(a)(1)(B)(i) of this title, the Secretary shall make grants to or enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.

(2) Indian tribes and tribal organizations

The grants or contracts described in this section that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 450f of title 25 and shall be conducted in accordance with the provisions of sections 455, 456, and 457 of title 25, which are relevant to the programs administered under this subsection.

(3) Special authority relating to secondary schools operated or supported by the Bureau of Indian Affairs

An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds

through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out career and technical education programs.

(4) Matching

If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

(5) Regulations

If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, commonly known as the “Negotiated Rulemaking Act of 1990”.

(6) Application

Any Indian tribe, tribal organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau-funded school.

(c) Authorized activities

(1) Authorized programs

Funds made available under this section shall be used to carry out career and technical education programs consistent with the purpose of this chapter.

(2) Stipends

(A) In general

Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in career and technical education programs and who have acute economic needs which cannot be met through work-study programs.

(B) Amount

Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

(d) Grant or contract application

In order to receive a grant or contract under this section, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

(e) Restrictions and special considerations

The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 2321(a) of this title. The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

- (1) programs that involve, coordinate with, or encourage tribal economic development plans; and
- (2) applications from tribally controlled colleges or universities that—

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

(B) operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization, and issue certificates for completion of career and technical education programs.

(f) Consolidation of funds

Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) Nonduplicative and nonexclusive services

Nothing in this section shall be construed—

- (1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this subchapter; or
- (2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

(h) Native Hawaiian programs

From the funds reserved pursuant to section 2321(a)(1)(B)(ii) of this title, the Secretary shall award grants to or enter into contracts with community-based organizations primarily serv-

ing and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

(Pub. L. 88-210, title I, §116, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 707.)

REFERENCES IN TEXT

The Indian Employment, Training and Related Services Demonstration Act of 1992, referred to in subsec. (f), is Pub. L. 102-477, Oct. 23, 1992, 106 Stat. 2302, which is classified generally to chapter 36 (§3401 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 2326, Pub. L. 88-210, title I, §116, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094; amended Pub. L. 107-110, title VII, §702(b), (c), Jan. 8, 2002, 115 Stat. 1946, 1947, related to Native American program, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2326, Pub. L. 88-210, title I, §116, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to State assessments of program quality, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2327. Tribally controlled postsecondary career and technical institutions**(a) Grant program**

Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

- (1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or
- (2) the Navajo Community College Act (25 U.S.C. 640a et seq.).

(b) Uses of grants

Amounts made available under this section shall be used for career and technical education programs for Indian students and for the institutional support costs of the grant, including the expenses described in subsection (e).

(c) Amount of grants**(1) In general**

If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

(2) Per capita determination

For the purposes of paragraph (1), the per capita payment for any fiscal year shall be de-

terminated by dividing the amount available for grants to tribally controlled postsecondary career and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

(3) Indirect costs

Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.

(d) Applications

To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Expenses

(1) In general

The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary career and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section;

(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment; and

(D) institutional support of career and technical education.

(2) Accounting

Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

(f) Other programs

(1) In general

Except as specifically provided in this chapter, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary career and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.], or under any other applicable program for the benefit of institutions of higher education or career and technical education.

(2) Prohibition on alteration of grant amount

The amount of any grant for which tribally controlled postsecondary career and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under section 13 of title 25.

(3) Prohibition on contract denial

No tribally controlled postsecondary career and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under section 13 of title 25, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

(g) Complaint resolution procedure

The Secretary shall establish (after consultation with tribally controlled postsecondary career and technical institutions) a complaint resolution procedure for grant determinations and calculations under this section for tribally controlled postsecondary career and technical institutions.

(h) Definitions

In this section:

(1) Indian; Indian tribe

The terms “Indian” and “Indian tribe” have the meanings given the terms in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

(2) Indian student count

(A) In general

The term “Indian student count” means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary career and technical institution, as determined in accordance with subparagraph (B).

(B) Determination

(i) Enrollment

For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

(I) in the case of the fall term, the third week of the fall term; and

(II) in the case of the spring term, the third week of the spring term.

(ii) Calculation

For each academic year, the Indian student count for a tribally controlled postsecondary career and technical institution shall be the quotient obtained by dividing—

(I) the sum of the credit hours of all Indian students enrolled in the tribally controlled postsecondary career and technical institution (as determined under clause (i)); by

(II) 12.

(iii) Summer term

Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

(iv) Students without secondary school degrees**(I) In general**

A credit earned at a tribally controlled postsecondary career and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

(II) Presumption

The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

(III) Credits toward secondary school degree

No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

(v) Continuing education programs

Any credit earned by an Indian student in a continuing education program of a tribally controlled postsecondary career and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit hour basis in accordance with the system of the institution for providing credit for participation in the program.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

(Pub. L. 88-210, title I, §117, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 710; amend-

ed Pub. L. 110-315, title IX, §941(j)(2), (k)(2)(D)(ii), Aug. 14, 2008, 122 Stat. 3465, 3466.)

REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsecs. (a)(1) and (d), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325. Title I of the Act is classified generally to subchapter I (§1802 et seq.) of chapter 20 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Navajo Community College Act, referred to in subsecs. (a)(2) and (d), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, which is classified to section 640a et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 640a of Title 25 and Tables.

The Higher Education Act of 1965, referred to in subsec. (f)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (f)(3), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 2327, Pub. L. 88-210, title I, §117, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3097; amended Pub. L. 106-554, §1(a)(1) [title III, §310], Dec. 21, 2000, 114 Stat. 2763, 2763A-46; Pub. L. 107-20, title II, §2701(a), July 24, 2001, 115 Stat. 181, related to tribally controlled postsecondary vocational and technical institutions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2327, Pub. L. 88-210, title I, §117, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to program evaluation and improvement, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §941(j)(2)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary career and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.”

Subsec. (d). Pub. L. 110-315, §941(j)(2)(B), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Any tribally controlled postsecondary career and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.”

Subsec. (h)(1). Pub. L. 110-315, §941(k)(2)(D)(ii), substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

§ 2328. Occupational and employment information

(a) National activities

From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized—

(1) to provide assistance to an entity to enable the entity—

(A) to provide technical assistance to State entities designated under subsection (c) to enable the State entities to carry out the activities described in such subsection;

(B) to disseminate information that promotes the replication of high quality practices described in subsection (c); and

(C) to develop and disseminate products and services related to the activities described in subsection (c); and

(2) to award grants to States that designate State entities in accordance with subsection (c) to enable the State entities to carry out the State level activities described in such subsection.

(b) State application

(1) In general

A jointly designated State entity described in subsection (c) that desires to receive a grant under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 2342 of this title, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity described in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act [29 U.S.C. 491–2] to inform program development.

(c) State level activities

In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;

(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

(3) to provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents

and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;

(4) to assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;

(5) to improve coordination and communication among administrators and planners of programs authorized by this chapter and by section 15 of the Wagner-Peyser Act [29 U.S.C. 491–2] at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;

(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and

(7) to provide readily available occupational information such as—

(A) information relative to employment sectors;

(B) information on occupation supply and demand; and

(C) other information provided pursuant to section 15 of the Wagner-Peyser Act [29 U.S.C. 491–2] as the jointly designated State entity considers relevant.

(d) Nonduplication

(1) Wagner-Peyser Act

The jointly designated State entity described under subsection (c) may use funds provided under subsection (a)(2) to supplement activities under section 15 of the Wagner-Peyser Act [29 U.S.C. 491–2] to the extent such activities do not duplicate activities assisted under such section.

(2) Public Law 105–220

None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105–220.

(e) Funding rule

Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

(1) not less than 85 percent to carry out subsection (c); and

(2) not more than 15 percent to carry out subsection (a).

(f) Report

The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

(1) a description of activities assisted under this section during the prior program year;

(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

(3) an assessment of the extent to which States have effectively coordinated activities

assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2].

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2007 through 2012.

(Pub. L. 88-210, title I, §118, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 713.)

REFERENCES IN TEXT

Public Law 105-220, referred to in subsec. (d)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

PRIOR PROVISIONS

A prior section 2328, Pub. L. 88-210, title I, §118, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3100, related to occupational and employment information, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2328, Pub. L. 88-210, title I, §118, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 773, related to criteria for services and activities for individuals who are members of special populations, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2331, Pub. L. 88-210, title II, §201, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 776, related to State programs and State leadership activities, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2331 and prior sections 2332 to 2334 were omitted in the general amendment of this subchapter by Pub. L. 101-392.

Section 2331, Pub. L. 88-210, title II, §201, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2450; amended Pub. L. 100-202, §101(h) [title III, §300], Dec. 22, 1987, 101 Stat. 1329-256, 1329-279; Pub. L. 100-297, title II, §2401(b), (c), Apr. 28, 1988, 102 Stat. 324, related to distribution of assistance from State allotment to provide vocational education opportunities.

Section 2332, Pub. L. 88-210, title II, §202, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2452; amended Pub. L. 100-202, §101(h) [title III, §300], Dec. 22, 1987, 101 Stat. 1329-256, 1329-279; Pub. L. 100-297, title II, §2401(b), (c), Apr. 28, 1988, 102 Stat. 324, related to distribution of assistance from State allotment to provide vocational education opportunities.

Section 2333, Pub. L. 88-210, title II, §203, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2453; amended Pub. L. 99-159, title VII, §705, Nov. 22, 1985, 99 Stat. 905, related to allocation within individual States of the funds available for vocational education services and activities for the handicapped.

Section 2334, Pub. L. 88-210, title II, §204, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2454; amended Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to criteria for services and activities for the handicapped and for the disadvantaged.

Prior sections 2335 to 2336 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2335, Pub. L. 88-210, title II, §221, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 777, related to programs for single parents, displaced homemakers, and single pregnant women.

Section 2335a, Pub. L. 88-210, title II, §222, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to sex equity programs.

Section 2335b, Pub. L. 88-210, title II, §223, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to competitive award of amounts and evaluation of programs.

Section 2336, Pub. L. 88-210, title II, §225, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to programs for criminal offenders.

PART B—STATE PROVISIONS

§ 2341. State administration

(a) Eligible agency responsibilities

The responsibilities of an eligible agency under this subchapter shall include—

(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this subchapter, including preparation for non-traditional fields;

(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this subchapter;

(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this subchapter, but not less than 4 times annually; and

(4) the adoption of such procedures as the eligible agency considers necessary to—

(A) implement State level coordination with the activities undertaken by the State boards under section 2821 of title 29; and

(B) make available to the service delivery system under section 2841 of title 29 within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter.

(b) Exception

Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, or supervision of activities assisted under this subchapter, in whole or in part, to 1 or more appropriate State agencies.

(Pub. L. 88-210, title I, §121, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 715.)

PRIOR PROVISIONS

A prior section 2341, Pub. L. 88-210, title I, §121, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102, related to State administration, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2341 and prior sections 2341a to 2341c were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2341, Pub. L. 88-210, title II, §231, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 779; amended Pub. L. 103-382, title III, §391(s)(4), (5), Oct. 20, 1994, 108 Stat. 4025; Pub. L. 104-193, title I, §110(i)(1), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to secondary school programs. See section 2351 of this title.

Another prior section 2341, Pub. L. 88-210, title II, §251, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat.

2455; amended Pub. L. 100-418, title VI, §6132, Aug. 23, 1988, 102 Stat. 1511, related to the uses of the portion of a State's allotment available for vocational education program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

Section 2341a, Pub. L. 88-210, title II, §232, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 781; amended Pub. L. 103-208, §4, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §351(a)(1), Oct. 20, 1994, 108 Stat. 3966; Pub. L. 104-193, title I, §110(i)(2), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to postsecondary and adult programs. See section 2352 of this title.

Section 2341b, Pub. L. 88-210, title II, §233, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 782, related to special rule for minimal allocations. See section 2353 of this title.

Section 2341c, Pub. L. 88-210, title II, §234, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to reallocations. See section 2353 of this title.

§ 2342. State plan

(a) State plan

(1) In general

Each eligible agency desiring assistance under this subchapter for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 2303 of this title, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following August 12, 2006.

(2) Revisions

Each eligible agency—

(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this subchapter and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

(3) Hearing process

The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

(b) Plan development

(1) In general

The eligible agency shall—

(A) develop the State plan in consultation with—

(i) academic and career and technical education teachers, faculty, and administrators;

(ii) career guidance and academic counselors;

(iii) eligible recipients;

(iv) charter school authorizers and organizers consistent with State law;

(v) parents and students;

(vi) institutions of higher education;

(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

(viii) entities participating in activities described in section 2821 of title 29;

(ix) interested community members (including parent and community organizations);

(x) representatives of special populations;

(xi) representatives of business and industry (including representatives of small business); and

(xii) representatives of labor organizations in the State; and

(B) consult the Governor of the State with respect to such development.

(2) Activities and procedures

The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

(c) Plan contents

The State plan shall include information that—

(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

(i) incorporate secondary education and postsecondary education elements;

(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

(B) how the eligible agency, in consultation with eligible recipients, will develop

and implement the career and technical programs of study described in subparagraph (A);

(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to appropriate technology in career and technical education programs;

(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this chapter, including criteria to assess the extent to which the local plan will—

(i) promote continuous improvement in academic achievement;

(ii) promote continuous improvement of technical skill attainment; and

(iii) identify and address current or emerging occupational opportunities;

(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

(I) how funds will be used to improve or develop new career and technical education courses—

(i) at the secondary level that are aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)(1)];

(ii) at the postsecondary level that are relevant and challenging; and

(iii) that lead to employment in high skill, high wage, or high demand occupations;

(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under subchapter II and eligible recipients to improve program quality and student achievement;

(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and

(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

(F) assists in accessing and utilizing data, including data provided under section 2328 of this title, student achievement data, and data from assessments; and

(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.] and title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.];

(3) describes efforts to improve—

(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business;

(4) describes efforts to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

(6) describes how funds received by the eligible agency through the allotment made under section 2321 of this title will be allocated—

(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(7) describes how the eligible agency will—

(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801]); and

(ii) career and technical education subjects;

(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;

(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this chapter;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

(10) describes—

(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 2323 of this title; and

(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 2323(b)(4) of this title if an eligible recipient does not accept the State adjusted levels of performance under section 2323(b)(3) of this title;

(11) provides assurances that the eligible agency will comply with the requirements of

this chapter and the provisions of the State plan, including the provision of a financial audit of funds received under this chapter which may be included as part of an audit of other Federal or State programs;

(12) provides assurances that none of the funds expended under this chapter will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this subchapter and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

(16) describes how career and technical education relates to State and regional occupational opportunities;

(17) describes the methods proposed for the joint planning and coordination of programs carried out under this subchapter with other Federal education programs;

(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

(19) describes how funds will be used to serve individuals in State correctional institutions; and

(20) contains the description and information specified in sections 2822(b)(8) and 2841(c) of title 29 concerning the provision of services only for postsecondary students and school dropouts.

(d) Plan options

(1) Single plan

An eligible agency not choosing to consolidate funds under section 2372 of this title shall fulfill the plan or application submission requirements of this section, and section 2371(c) of this title, by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 2354 of this title and subsections (a) and (b) of section 2374 of this title by submitting a single local plan.

(2) Plan submitted as part of 501 plan

The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of Public Law 105-220 [20 U.S.C. 9271], if the plan submitted

pursuant to the requirement of this section meets the requirements of this chapter.

(e) Plan approval

(1) In general

The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

(A) the State plan, or revision, respectively, does not meet the requirements of this chapter; or

(B) the State's levels of performance on the core indicators of performance consistent with section 2323 of this title are not sufficiently rigorous to meet the purpose of this chapter.

(2) Disapproval

The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

(3) Consultation

The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, tech prep education, and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

(4) Timeframe

A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

(Pub. L. 88-210, title I, §122, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 715.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (c)(2)(G), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title II of the Act is classified generally to subchapter II (§6601 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (c)(2)(G), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 2342, Pub. L. 88-210, title I, §122, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102, related to State plan, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2342, Pub. L. 88-210, title II, §235, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to uses of funds, prior to the general amendment of this chapter by Pub. L. 105-332. Another prior section 2342, Pub. L. 88-210, title II, §252, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to criteria for program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

§ 2343. Improvement plans

(a) State program improvement

(1) Plan

If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 2323(b)(3) of this title, the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 2323(c)(2) of this title) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

(2) Technical assistance

If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 2342 of this title, or is not making substantial progress in meeting the purposes of this chapter, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this chapter.

(3) Subsequent action

(A) In general

The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 2322(a) of this title if the eligible agency—

(i) fails to implement an improvement plan as described in paragraph (1);

(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) Waiver for exceptional circumstances

The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(4) Funds resulting from reduced allotments

The Secretary shall use funds withheld under paragraph (3) for a State served by an

eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this chapter for such State.

(b) Local program improvement

(1) Local evaluation

Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 2323(b)(4) of this title, the career and technical education activities of each eligible recipient receiving funds under this subchapter.

(2) Plan

If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 2323(b)(4) of this title, the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 2323(b)(4)(C)(ii)(II) of this title) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

(3) Technical assistance

If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 2354 of this title, or is not making substantial progress in meeting the purposes of this chapter, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this chapter.

(4) Subsequent action

(A) In general

The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this subchapter if the eligible recipient—

- (i) fails to implement an improvement plan as described in paragraph (2);
- (ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or
- (iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) Waiver for exceptional circumstances

In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—

- (i) due to exceptional or uncontrollable circumstances, such as a natural disaster

or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or

- (ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

(5) Funds resulting from reduced allotments

The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this chapter.

(Pub. L. 88-210, title I, §123, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 721.)

PRIOR PROVISIONS

A prior section 2343, Pub. L. 88-210, title I, §123, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3106, related to improvement plans, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2343, Pub. L. 88-210, title II, §240, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 784, related to local applications, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2344. State leadership activities

(a) General authority

From amounts reserved under section 2322(a)(2) of this title, each eligible agency shall conduct State leadership activities.

(b) Required uses of funds

The State leadership activities described in subsection (a) shall include—

- (1) an assessment of the career and technical education programs carried out with funds under this subchapter, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;

- (2) developing, improving, or expanding the use of technology in career and technical education that may include—

- (A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;

- (B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or

- (C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

- (3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education

teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 2342 of this title and—

(A) provide in-service and preservice training in career and technical education programs—

(i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

(ii) on effective teaching skills based on research that includes promising practices;

(iii) on effective practices to improve parental and community involvement; and

(iv) on effective use of scientifically based research and data to improve instruction;

(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;

(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 2323 of this title;

(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

(i) stay current with the needs, expectations, and methods of industry;

(ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;

(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

(iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

(E) are coordinated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.] and title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.];

(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement in—

(A) the core academic subjects (as defined in section 9101 of the Elementary and Sec-

ondary Education Act of 1965 [20 U.S.C. 7801]); and

(B) career and technical education subjects;

(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 2342(c)(1)(A) of this title;

(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

(9) technical assistance for eligible recipients.

(c) Permissible uses of funds

The leadership activities described in subsection (a) may include—

(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

(B) exposing students to high skill, high wage occupations and non-traditional fields;

(2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;

(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

(A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

(B) postsecondary dual and concurrent enrollment programs;

(C) academic and financial aid counseling; and

(D) other initiatives—

(i) to encourage the pursuit of a baccalaureate degree; and

(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

(4) support for career and technical student organizations, especially with respect to ef-

forts to increase the participation of students who are members of special populations;

(5) support for public charter schools operating career and technical education programs;

(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

(7) support for family and consumer sciences programs;

(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

(10) awarding incentive grants to eligible recipients—

(A) for exemplary performance in carrying out programs under this chapter, which awards shall be based on—

(i) eligible recipients exceeding the local adjusted levels of performance established under section 2323(b) of this title in a manner that reflects sustained or significant improvement;

(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

(v) other factors relating to the performance of eligible recipients under this chapter as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 2355(c)(19) of this title;

(11) providing for activities to support entrepreneurship education and training;

(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act [20 U.S.C. 9201 et seq.];

(13) providing assistance to individuals, who have participated in services and activities under this subchapter, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 2841 of title 29;

(14) developing valid and reliable assessments of technical skills;

(15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

(16) improving—

(A) the recruitment and retention of career and technical education teachers, faculty, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business; and

(17) support for occupational and employment information resources, such as those described in section 2328 of this title.

(d) Restriction on uses of funds

An eligible agency that receives funds under section 2322(a)(2) of this title may not use any of such funds for administrative costs.

(Pub. L. 88-210, title I, §124, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 723.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(3)(E), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title II of the Act is classified generally to subchapter II (§6601 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (b)(3)(E), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (c)(12), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (§9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

PRIOR PROVISIONS

A prior section 2344, Pub. L. 88-210, title I, §124, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3107, related to State leadership activities, prior to the general amendment of this chapter by Pub. L. 109-270.

PART C—LOCAL PROVISIONS

§ 2351. Distribution of funds to secondary education programs

(a) Distribution rules

Except as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title to carry out this section to local educational agencies within the State as follows:

(1) Thirty percent

Thirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total num-

ber of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory—

(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; or

(B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system.

(2) Seventy percent

Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6333(c)(1)(A)], compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

(3) Adjustments

Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

(A) reflect any change in school district boundaries that may have occurred since the data were collected; and

(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Affairs.

(b) Waiver for more equitable distribution

The Secretary may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) to local educational agencies within the State than the formula described in subsection (a); and

(2) includes a proposal for such an alternative formula.

(c) Minimum allocation

(1) In general

Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

(2) Waiver

The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area; or

(ii) is a public charter school operating secondary school career and technical education programs; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

(3) Redistribution

Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

(d) Limited jurisdiction agencies

(1) In general

In applying the provisions of subsection (a), no eligible agency receiving assistance under this subchapter shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

(2) Special rule

The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

(e) Allocations to area career and technical education schools and educational service agencies

(1) In general

Each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title for any fiscal year by such eligible agency for career and technical education activities at the secondary level under this section to the appropriate area career and technical education school or educational service agency in any case in which the area career and technical education school or educational service agency, and the local educational agency concerned—

(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

(B) have entered into or will enter into a cooperative arrangement for such purpose.

(2) Allocation basis

If an area career and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area career and technical education school, the educational service agency, and

the local educational agency based on each school, agency or entity's relative share of students who are attending career and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years).

(3) Appeals procedure

The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area career and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

(f) Consortium requirements

(1) Alliance

Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 2355 of this title is encouraged to—

- (A) form a consortium or enter into a cooperative agreement with an area career and technical education school or educational service agency offering programs that meet the requirements of section 2355 of this title;
- (B) transfer such allocation to the area career and technical education school or educational service agency; and
- (C) operate programs that are of sufficient size, scope, and quality to be effective.

(2) Funds to consortium

Funds allocated to a consortium formed to meet the requirements of this subsection shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

(g) Data

The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

(h) Special rule

Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

(Pub. L. 88-210, title I, §131, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 727.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified

generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 2351, Pub. L. 88-210, title I, §131, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3109, related to distribution of funds to secondary school programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2351, Pub. L. 88-210, title III, §301, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to applications by community-based organizations, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2352. Distribution of funds for postsecondary education programs

(a) Allocation

(1) In general

Except as provided in subsections (b) and (c) and section 2353 of this title, each eligible agency shall distribute the portion of the funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

(2) Formula

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 2355 of this title offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

(3) Consortium requirements

(A) In general

In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

- (i) provide services to all postsecondary institutions participating in the consortium; and
- (ii) are of sufficient size, scope, and quality to be effective.

(B) Funds to consortium

Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

(4) Waiver

The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which

the eligible institution is located in a rural, sparsely populated area.

(b) Waiver for more equitable distribution

The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

(2) includes a proposal for such an alternative formula.

(c) Minimum grant amount

(1) In general

No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

(2) Redistribution

Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

(Pub. L. 88-210, title I, §132, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 730.)

PRIOR PROVISIONS

A prior section 2352, Pub. L. 88-210, title I, §132, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3112, related to distribution of funds for postsecondary vocational and technical education programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2352, Pub. L. 88-210, title III, §302, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 101-392, title III, §301, Sept. 25, 1990, 104 Stat. 786, related to use of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2353. Special rules for career and technical education

(a) Special rule for minimal allocation

(1) General authority

Notwithstanding the provisions of sections 2351 and 2352 of this title and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 2351 or 2352 of this title, such eligible agency may distribute such minimal amount for such year—

(A) on a competitive basis; or

(B) through any alternative method determined by the eligible agency.

(2) Minimal amount

For purposes of this section, the term “minimal amount” means not more than 15 percent of the total amount made available for distribution under section 2322(a)(1) of this title.

(b) Redistribution

(1) In general

In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under

section 2351 or 2352 of this title, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 2351 or 2352 of this title, as appropriate.

(2) Redistribution of amounts returned late in an academic year

In any academic year in which amounts are returned to the eligible agency under section 2351 or 2352 of this title and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 2322(a)(1) of this title for the following academic year.

(c) Construction

Nothing in section 2351 or 2352 of this title shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 2351 of this title, from working with an eligible institution or consortium thereof that receives assistance under section 2352 of this title, to carry out career and technical education programs at the secondary level in accordance with this subchapter;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 2352 of this title, from working with a local educational agency or consortium thereof that receives assistance under section 2351 of this title, to carry out postsecondary and adult career and technical education programs in accordance with this subchapter; or

(3) to require a charter school, that provides career and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this subchapter unless the charter school is explicitly permitted to do so under the State's charter school statute.

(d) Consistent application

For purposes of this section, the eligible agency shall provide funds to charter schools offering career and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

(Pub. L. 88-210, title I, §133, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 731.)

PRIOR PROVISIONS

A prior section 2353, Pub. L. 88-210, title I, §133, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3113, related to special rules for vocational and technical education, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2354. Local plan for career and technical education programs

(a) Local plan required

Any eligible recipient desiring financial assistance under this part shall, in accordance

with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 2342 of this title.

(b) Contents

The eligible agency shall determine the requirements for local plans, except that each local plan shall—

(1) describe how the career and technical education programs required under section 2355(b) of this title will be carried out with funds received under this subchapter;

(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 2323 of this title;

(3) describe how the eligible recipient will—

(A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 2342(c)(1)(A) of this title;

(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

(i) the core academic subjects (as defined in section 7801 of this title); and

(ii) career and technical education subjects;

(C) provide students with strong experience in, and understanding of, all aspects of an industry;

(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; and

(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in core academic subjects (as defined in section 7801 of this title);

(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities de-

scribed in section 2832 of title 29 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this subchapter, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this subchapter, including career and technical programs of study;

(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

(8) describe how the eligible recipient will—

(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

(10) describe how funds will be used to promote preparation for non-traditional fields;

(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

(12) describe efforts to improve—

(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry.

(Pub. L. 88-210, title I, §134, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 732.)

PRIOR PROVISIONS

A prior section 2354, Pub. L. 88-210, title I, §134, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3114, related to local plan for vocational and technical education programs, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2355. Local uses of funds

(a) General authority

Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs.

(b) Requirements for uses of funds

Funds made available to eligible recipients under this part shall be used to support career and technical education programs that—

(1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 2342(c)(1)(A) of this title, to ensure learning in—

(A) the core academic subjects (as defined in section 7801 of this title); and

(B) career and technical education subjects;

(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 2342(c)(1)(A) of this title;

(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;

(4) develop, improve, or expand the use of technology in career and technical education, which may include—

(A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;

(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or

(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;

(5) provide professional development programs that are consistent with section 2342 of this title to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

(A) in-service and preservice training on—

(i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

(ii) effective teaching skills based on research that includes promising practices;

(iii) effective practices to improve parental and community involvement; and

(iv) effective use of scientifically based research and data to improve instruction;

(B) support of education programs for teachers of career and technical education in public schools and other public school per-

sonnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

(C) internship programs that provide relevant business experience; and

(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;

(6) develop and implement evaluations of the career and technical education programs carried out with funds under this subchapter, including an assessment of how the needs of special populations are being met;

(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

(c) Permissive

Funds made available to an eligible recipient under this subchapter may be used—

(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this subchapter, including establishing effective programs and procedures to enable informed and effective participation in such programs;

(2) to provide career guidance and academic counseling, which may include information described in section 2328 of this title, for students participating in career and technical education programs, that—

(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

(3) for local education and business (including small business) partnerships, including for—

(A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

(B) adjunct faculty arrangements for qualified industry professionals; and

(C) industry experience for teachers and faculty;

(4) to provide programs for special populations;

(5) to assist career and technical student organizations;

(6) for mentoring and support services;

(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;

(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;

(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

(A) articulation agreements between subbaccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

(B) postsecondary dual and concurrent enrollment programs;

(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and

(D) other initiatives—

(i) to encourage the pursuit of a baccalaureate degree; and

(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

(11) to provide activities to support entrepreneurship education and training;

(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;

(13) to develop and support small, personalized career-themed learning communities;

(14) to provide support for family and consumer sciences programs;

(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;

(16) to provide assistance to individuals who have participated in services and activities under this chapter in continuing their edu-

cation or training or finding an appropriate job, such as through referral to the system established under section 2841 of title 29;

(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;

(18) to provide support for training programs in automotive technologies;

(19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—

(A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;

(B) establishing, enhancing, or supporting systems for—

(i) accountability data collection under this chapter; or

(ii) reporting data under this chapter;

(C) implementing career and technical programs of study described in section 2342(c)(1)(A) of this title; or

(D) implementing technical assessments; and

(20) to support other career and technical education activities that are consistent with the purpose of this chapter.

(d) Administrative costs

Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

(Pub. L. 88-210, title I, §135, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 734.)

PRIOR PROVISIONS

A prior section 2355, Pub. L. 88-210, title I, §135, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3115, related to local uses of funds, prior to the general amendment of this chapter by Pub. L. 109-270.

Prior sections 2361 to 2363 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2361, Pub. L. 88-210, title III, §311, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 99-159, title VII, §706(b), Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §302, Sept. 25, 1990, 104 Stat. 786, related to consumer and homemaking education grants.

Section 2362, Pub. L. 88-210, title III, §312, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 99-159, title VII, §706(c), Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §303, Sept. 25, 1990, 104 Stat. 786, related to use of funds from consumer and homemaking education grants.

Section 2363, Pub. L. 88-210, title III, §313, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2459; amended Pub. L. 99-159, title VII, §707, Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §304, Sept. 25, 1990, 104 Stat. 786, related to information dissemination and leadership.

SUBCHAPTER II—TECH PREP EDUCATION

§ 2371. State allotment and application

(a) In general

For any fiscal year, the Secretary shall allot the amount made available under section 2376 of this title among the States in the same manner

as funds are allotted to States under paragraph (2) of section 2321(a) of this title.

(b) Payments to eligible agencies

The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

(c) State application

Each eligible agency desiring an allotment under this subchapter shall submit, as part of its State plan under section 2342 of this title, an application that—

(1) describes how activities under this subchapter will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 2342 of this title; and

(2) contains such information as the Secretary may require.

(Pub. L. 88-210, title II, § 201, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 737.)

PRIOR PROVISIONS

A prior section 2371, Pub. L. 88-210, title II, § 202, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3117, provided definitions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2371, Pub. L. 88-210, title III, § 321, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2459; amended Pub. L. 100-418, title VI, § 6131(a)(2), Aug. 23, 1988, 102 Stat. 1509, provided findings and purposes of program, prior to repeal by Pub. L. 101-392, title III, § 305, title VII, § 702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 201 of Pub. L. 88-210, as added by Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3117, which provided that former title II of Pub. L. 88-210 could be cited as the “Tech-Prep Education Act”, was set out as a note under former section 2301 of this title, prior to the general amendment of Pub. L. 88-210 by Pub. L. 109-270.

§ 2372. Consolidation of funds

(a) In general

An eligible agency receiving an allotment under sections 2321 and 2371 of this title may choose to consolidate all, or a portion of, funds received under section 2371 of this title with funds received under section 2321 of this title in order to carry out the activities described in the State plan submitted under section 2342 of this title.

(b) Notification requirement

Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 2342 of this title, of the eligible agency's decision to consolidate funds under this section.

(c) Treatment of consolidated funds

Funds consolidated under this section shall be considered as funds allotted under section 2321 of this title and shall be distributed in accordance with section 2322 of this title.

(Pub. L. 88-210, title II, § 202, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 738.)

PRIOR PROVISIONS

A prior section 2372, Pub. L. 88-210, title II, § 203, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3118,

related to State allotment and application, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2372, Pub. L. 88-210, title III, § 322, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2460; amended Pub. L. 100-418, title VI, § 6131(a)(2), Aug. 23, 1988, 102 Stat. 1509; Pub. L. 101-476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized Secretary to make grants and specified uses of funds for program, prior to repeal by Pub. L. 101-392, title III, § 305, title VII, § 702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 202 of Pub. L. 88-210 was classified to section 2371 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 202 of Pub. L. 88-210 was classified to section 2332 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

§ 2373. Tech prep program

(a) Grant program authorized

(1) In general

From amounts made available to each eligible agency under section 2371 of this title, the eligible agency, in accordance with the provisions of this subchapter, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that—

(I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and

(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], including—

(AA) an institution receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

(BB) a tribally controlled postsecondary career and technical institution; or

(II) offers a 2-year apprenticeship program that follows secondary education instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq.] pursuant to the provisions of section 435(a)(2) of such Act [20 U.S.C. 1085(a)(2)]; or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

(2) Special rule

In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employers (including small businesses), business intermediaries, or labor organizations.

(b) Duration

Each consortium receiving a grant under this subchapter shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep program described in subsection (c).

(c) Contents of tech prep program

Each tech prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of a program of study that—

(A) combines—

(i) a minimum of 2 years of secondary education (as determined under State law); with

(ii)(I) a minimum of 2 years of post-secondary education in a nonduplicative, sequential course of study; or

(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

(D) builds student competence in technical skills and in core academic subjects (as defined in section 7801 of this title), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

(F) leads to placement in high skill or high wage employment, or to further education; and

(G) utilizes career and technical education programs of study, to the extent practicable;

(3) include the development of tech prep programs for secondary education and post-secondary education that—

(A) meet academic standards developed by the State;

(B) link secondary schools and 2-year post-secondary institutions, and if possible and practicable, 4-year institutions of higher education, through—

(i) nonduplicative sequences of courses in career fields;

(ii) the use of articulation agreements; and

(iii) the investigation of opportunities for tech prep secondary education students to enroll concurrently in secondary education and postsecondary education coursework;

(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

(D) use educational technology and distance learning, as appropriate, to involve all the participants in the consortium more fully in the development and operation of programs;

(4) include in-service professional development for teachers, faculty, and administrators that—

(A) supports effective implementation of tech prep programs;

(B) supports joint training in the tech prep consortium;

(C) supports the needs, expectations, and methods of business and all aspects of an industry;

(D) supports the use of contextual and applied curricula, instruction, and assessment;

(E) supports the use and application of technology; and

(F) assists in accessing and utilizing data, information available pursuant to section 2328 of this title, and information on student achievement, including assessments;

(5) include professional development programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech prep programs;

(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

(C) provide information on related employment opportunities;

(D) ensure that students are placed in appropriate employment or further post-secondary education;

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

(7) provide for preparatory services that assist participants in tech prep programs; and

(8) coordinate with activities conducted under subchapter I.

(d) Additional authorized activities

Each tech prep program may—

(1) provide for the acquisition of tech prep program equipment;

(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

(e) Indicators of performance and accountability

(1) In general

Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this subchapter. The indicators of performance shall include the following:

(A) The number of secondary education tech prep students and postsecondary education tech prep students served.

(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

- (i) enroll in postsecondary education;
- (ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;
- (iii) complete a State or industry-recognized certification or licensure;
- (iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and
- (v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

(C) The number and percent of postsecondary education tech prep students who—

- (i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;
- (ii) complete a State or industry-recognized certification or licensure;
- (iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and
- (iv) complete a baccalaureate degree program within the normal time for completion of such program.

(2) Number and percent

For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages shall be determined separately with respect to each clause of each such subparagraph.

(Pub. L. 88-210, title II, §203, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 738; amended Pub. L. 110-315, title IX, §941(k)(2)(D)(iii), Aug. 14, 2008, 122 Stat. 3466.)

REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsec. (a)(1)(B)(i)(I)(bb)(AA), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(1)(B)(i), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat.

1219. Part B of title IV of the Act is classified generally to part B (§1071 et seq.) of subchapter IV of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 2373, Pub. L. 88-210, title II, §204, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3118, related to tech-prep education, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2373, Pub. L. 88-210, title III, §323, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2461; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509, provided for coordination of program with Job Training Partnership Act, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 203 of Pub. L. 88-210 was classified to section 2372 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 203 of Pub. L. 88-210 was classified to section 2333 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

AMENDMENTS

2008—Subsec. (a)(1)(B)(i)(I)(bb)(AA). Pub. L. 110-315 substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

§ 2374. Consortium applications

(a) In general

Each consortium that desires to receive a grant under this subchapter shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.

(b) Plan

Each application submitted under this section shall contain a 6-year plan for the development and implementation of tech prep programs under this subchapter, which plan shall be reviewed after the second year of the plan.

(c) Approval

The eligible agency shall approve applications under this subchapter based on the potential of the activities described in the application to create an effective tech prep program.

(d) Special consideration

The eligible agency, as appropriate, shall give special consideration to applications that—

- (1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;
- (2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;
- (3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;
- (4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 2328 of this title;
- (5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of subchapter I.

(e) Performance levels

(1) In general

Each consortium receiving a grant under this subchapter shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 2323(b) and 2373(e) of this title.

(2) Resubmission of application; termination of funds

An eligible agency—

(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and

(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

(f) Equitable distribution of assistance

In awarding grants under this subchapter, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.

(Pub. L. 88-210, title II, §204, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 741.)

PRIOR PROVISIONS

A prior section 2374, Pub. L. 88-210, title II, §205, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3120, related to consortium applications, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 204 of Pub. L. 88-210 was classified to section 2373 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 204 of Pub. L. 88-210 was classified to section 2334 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

§ 2375. Report

Each eligible agency that receives an allotment under this subchapter annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this subchapter, including a description of how grants were awarded within the State.

(Pub. L. 88-210, title II, §205, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 742.)

PRIOR PROVISIONS

A prior section 2375, Pub. L. 88-210, title II, §206, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3120, required a report from grantees, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 205 of Pub. L. 88-210 was classified to section 2374 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2376. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be

necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.

(Pub. L. 88-210, title II, §206, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 742.)

PRIOR PROVISIONS

A prior section 2376, Pub. L. 88-210, title II, §207, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121, related to demonstration programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2376, Pub. L. 88-210, title III, §326, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1509, provided findings and purpose of special program of financial assistance to States to enable them to expand and improve vocational education programs designed to meet current needs for training, retraining, and employment development of adults who had completed or left high school and were preparing to enter or had entered the labor market, including workers who were 55 years of age and older, in order to equip adults with competencies and skills required for productive employment, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 206 of Pub. L. 88-210 was classified to section 2375 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 2377, Pub. L. 88-210, title II, §208, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121, which related to authorization of appropriations, was omitted in the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2377 and prior section 2378 were repealed by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

Section 2377, Pub. L. 88-210, title III, §327, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1509; amended Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized giving of grants and uses of funds in connection with special program.

Section 2378, Pub. L. 88-210, title III, §328, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1510, provided for coordination of special program with Job Training Partnership Act.

Prior sections 2381 to 2383 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2381, Pub. L. 88-210, title III, §321, formerly §331, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2462; renumbered §321, Pub. L. 101-392, title III, §306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to grants for career guidance and counseling.

Section 2382, Pub. L. 88-210, title III, §322, formerly §332, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2462; renumbered §322 and amended Pub. L. 101-392, title III, §306(a)(2), (c), Sept. 25, 1990, 104 Stat. 786, 787, related to use of funds from career guidance and counseling grants.

Section 2383, Pub. L. 88-210, title III, §323, formerly §333, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; amended Pub. L. 99-159, title VII, §708, Nov. 22, 1985, 99 Stat. 906; renumbered §323, Pub. L. 101-392, title III, §306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to information dissemination and leadership.

SUBCHAPTER III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

§ 2391. Fiscal requirements

(a) Supplement not supplant

Funds made available under this chapter for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.

(b) Maintenance of effort**(1) Determination****(A) In general**

Except as provided in subparagraphs (B) and (C), no payments shall be made under this chapter for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equalled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.

(B) Computation

In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.

(C) Decrease in Federal support

If the amount made available for career and technical education programs under this chapter for a fiscal year is less than the amount made available for career and technical education programs under this chapter for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) Waiver

The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

(Pub. L. 88-210, title III, §311, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 742.)

PRIOR PROVISIONS

A prior section 2391, Pub. L. 88-210, title III, §311, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121, related to fiscal requirements, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2391, Pub. L. 88-210, title III, §331, formerly §341, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; renumbered §331 and amended Pub. L. 101-392, title III, §307(a)(2), (c), Sept. 25, 1990, 104

Stat. 787, stated findings of Congress, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 311 of Pub. L. 88-210 was classified to section 2361 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2392. Authority to make payments

Any authority to make payments or to enter into contracts under this chapter shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 88-210, title III, §312, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2392, Pub. L. 88-210, title III, §312, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122, related to authority to make payments, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2392, Pub. L. 88-210, title III, §332, formerly §342, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2464; amended Pub. L. 99-159, title VII, §709, Nov. 22, 1985, 99 Stat. 906; renumbered §332 and amended Pub. L. 101-392, title III, §307(a)(2), (d), Sept. 25, 1990, 104 Stat. 787, authorized business-labor-education partnership training grants, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 312 of Pub. L. 88-210 was classified to section 2362 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2393. Construction

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this chapter.

(Pub. L. 88-210, title III, §313, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2393, Pub. L. 88-210, title III, §313, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122, related to construction of this chapter, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2393, Pub. L. 88-210, title III, §333, formerly §343, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2465; amended Pub. L. 100-418, title VI, §6134(a), Aug. 23, 1988, 102 Stat. 1512; renumbered §333, Pub. L. 101-392, title III, §307(a)(2), Sept. 25, 1990, 104 Stat. 787, related to use of grant funds, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 313 of Pub. L. 88-210 was classified to section 2363 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2394. Voluntary selection and participation

No funds made available under this chapter shall be used—

(1) to require any secondary school student to choose or pursue a specific career path or major; or

(2) to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

(Pub. L. 88-210, title III, §314, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2394, Pub. L. 88-210, title III, §314, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to voluntary selection and participation, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2394 and prior sections 2394a to 2394e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2394, Pub. L. 88-210, title III, §342, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789, stated findings and purpose of Congress.

Section 2394a, Pub. L. 88-210, title III, §343, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789; amended Pub. L. 102-103, title III, §315, Aug. 17, 1991, 105 Stat. 508, authorized grants for tech-prep education programs. See section 2373 of this title.

Section 2394b, Pub. L. 88-210, title III, §344, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 790; amended Pub. L. 103-239, title VII, §711(a), May 4, 1994, 108 Stat. 606, related to use of grant funds.

Section 2394c, Pub. L. 88-210, title III, §345, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 791; amended Pub. L. 103-239, title VII, §711(b), May 4, 1994, 108 Stat. 606, related to applications for grants. See section 2374 of this title.

Section 2394d, Pub. L. 88-210, title III, §346, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792, related to reports.

Section 2394e, Pub. L. 88-210, title III, §347, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792; amended Pub. L. 105-244, title I, §102(a)(6)(E), Oct. 7, 1998, 112 Stat. 1618, defined terms for purposes of tech-prep education grant program.

SHORT TITLE

Pub. L. 88-210, title III, §341, as added by Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 788, which provided that part E of title III of Pub. L. 88-210, enacting part E (§2394 et seq.) of former subchapter III of this chapter, could be cited as the “Tech-Prep Education Act”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

§ 2395. Limitation for certain students

No funds received under this chapter may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this chapter may be used by such students.

(Pub. L. 88-210, title III, §315, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2395, Pub. L. 88-210, title III, §315, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, imposed a limitation for certain students, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2395 and prior sections 2395a to 2395e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2395, Pub. L. 88-210, title III, §351, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 792, stated purpose of supplementary State grant program.

Section 2395a, Pub. L. 88-210, title III, §352, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allotment to States.

Section 2395b, Pub. L. 88-210, title III, §353, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allocations to local educational agencies.

Section 2395c, Pub. L. 88-210, title III, §354, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to use of grant funds.

Section 2395d, Pub. L. 88-210, title III, §355, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to State applications for grants.

Section 2395e, Pub. L. 88-210, title III, §356, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 794, related to local applications for grants.

§ 2396. Federal laws guaranteeing civil rights

Nothing in this chapter shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

(Pub. L. 88-210, title III, §316, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2396, Pub. L. 88-210, title III, §316, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to Federal laws guaranteeing civil rights, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2396 and prior sections 2396a to 2396m were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2396, Pub. L. 88-210, title III, §362, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, stated purpose of community education employment centers and vocational education lighthouse schools program.

Section 2396a, Pub. L. 88-210, title III, §363, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, authorized grants to establish and operate community education employment centers.

Section 2396b, Pub. L. 88-210, title III, §364, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, related to program requirements.

Section 2396c, Pub. L. 88-210, title III, §365, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 795, related to support services requirements.

Section 2396d, Pub. L. 88-210, title III, §366, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 796, related to parental and community participation.

Section 2396e, Pub. L. 88-210, title III, §367, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to employment and training of professional staff.

Section 2396f, Pub. L. 88-210, title III, §368, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to eligibility for grants.

Section 2396g, Pub. L. 88-210, title III, §369, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to applications to participate in grant program.

Section 2396h, Pub. L. 88-210, title III, §370, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798; amended Pub. L. 104-66, title I, §1041(d), Dec. 21, 1995, 109 Stat. 714, related to evaluation of student learning progress.

Section 2396i, Pub. L. 88-210, title III, §371, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798, defined terms “eligible recipient” and “parent”.

Section 2396m, Pub. L. 88-210, title III, §375, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798, authorized grants to establish and operate vocational education lighthouse schools.

SHORT TITLE

Pub. L. 88-210, title III, §361, as added by Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, which provided that part G of title III of Pub. L. 88-210, enacting part G (§2396 et seq.) of former subchapter III of this chapter, could be cited as the “Community Education Employment Center Act of 1990”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

§ 2397. Participation of private school personnel and children

(a) Personnel

An eligible agency or eligible recipient that uses funds under this chapter for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.

(b) Student participation

(1) Student participation

Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this chapter to provide for the meaningful participation, in career and technical education programs and activities receiving funding under this chapter, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

(2) Consultation

An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this chapter, of secondary school students attending nonprofit private schools.

(Pub. L. 88-210, title III, §317, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2397, Pub. L. 88-210, title III, §317, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to authorization of Secretary, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2397 and prior sections 2397a to 2397h were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2397, Pub. L. 88-210, title III, §382, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, stated purpose of program to assist tribally controlled postsecondary vocational institutions.

Section 2397a, Pub. L. 88-210, title III, §383, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, authorized grants to tribally controlled postsecondary vocational institutions.

Section 2397b, Pub. L. 88-210, title III, §384, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to eligible grant recipients.

Section 2397c, Pub. L. 88-210, title III, §385, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to applications for grants, consultation, and use of grants.

Section 2397d, Pub. L. 88-210, title III, §386, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 801, related to amount of grants.

Section 2397e, Pub. L. 88-210, title III, §387, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat.

802, related to effect of grant receipt on eligibility under other programs.

Section 2397f, Pub. L. 88-210, title III, §388, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 802, related to grant adjustments.

Section 2397g, Pub. L. 88-210, title III, §389, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, related to report on facilities and facilities improvement.

Section 2397h, Pub. L. 88-210, title III, §390, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, defined terms for purposes of tribally controlled postsecondary vocational institutions grant program.

SHORT TITLE

Pub. L. 88-210, title III, §381, as added by Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 799, which provided that part H of title III of Pub. L. 88-210, enacting part H (§2397 et seq.) of former subchapter III of this chapter, could be cited as the “Tribally Controlled Vocational Institutions Support Act of 1990”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

§ 2398. Limitation on Federal regulations

The Secretary may issue regulations under this chapter only to the extent necessary to administer and ensure compliance with the specific requirements of this chapter.

(Pub. L. 88-210, title III, §318, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2398, Pub. L. 88-210, title III, §318, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to participation of private school personnel, prior to the general amendment of this chapter by Pub. L. 109-270.

Prior sections 2401 to 2404 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2401, Pub. L. 88-210, title IV, §401, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §402, Sept. 25, 1990, 104 Stat. 806, related to research objectives.

Section 2402, Pub. L. 88-210, title IV, §402, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §403, Sept. 25, 1990, 104 Stat. 806, related to research activities.

Section 2403, Pub. L. 88-210, title IV, §403, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2467; amended Pub. L. 101-392, title IV, §404, Sept. 25, 1990, 104 Stat. 807, related to national assessment of vocational education programs.

Section 2404, Pub. L. 88-210, title IV, §404, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2468; amended Pub. L. 101-392, title IV, §405, Sept. 25, 1990, 104 Stat. 809; Pub. L. 103-382, title III, §351(a)(2), Oct. 20, 1994, 108 Stat. 3966, related to National Center or Centers for Research in Vocational Education.

PART B—STATE ADMINISTRATIVE PROVISIONS

§ 2411. Joint funding

(a) General authority

Funds made available to eligible agencies under this chapter may be used to provide additional funds under an applicable program if—

(1) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;

(2) such program serves the same individuals that are served under this chapter;

(3) such program provides services in a coordinated manner with services provided under this chapter; and

(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

(b) Applicable program

For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:

(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220 [29 U.S.C. 2851 et seq., 2861 et seq.].

(2) The Wagner-Peyser Act [29 U.S.C. 49 et seq.].

(c) Use of funds as matching funds

For the purposes of this section, the term “additional funds” does not include funds used as matching funds.

(Pub. L. 88-210, title III, §321, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

REFERENCES IN TEXT

Public Law 105-220, referred to in subsec. (b)(1), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. Chapters 4 and 5 of subtitle B of title I of the Act are classified generally to parts D (§2851 et seq.) and E (§2861 et seq.), respectively, of subchapter II of chapter 30 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Wagner-Peyser Act, referred to in subsec. (b)(2), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (§49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 2411, Pub. L. 88-210, title III, §321, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to joint funding, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2411, Pub. L. 88-210, title IV, §411, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for demonstration programs, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2411, Pub. L. 88-210, title IV, §411, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2470, related to programs and projects Secretary was authorized to carry out from available funds, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

A prior section 321 of Pub. L. 88-210 was classified to section 2381 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 321 of Pub. L. 88-210 was classified to section 2371 of this title, prior to repeal by Pub. L. 101-392.

§ 2412. Prohibition on use of funds to induce out-of-State relocation of businesses

No funds provided under this chapter shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

(Pub. L. 88-210, title III, §322, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

PRIOR PROVISIONS

A prior section 2412, Pub. L. 88-210, title III, §322, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3124,

prohibited use of funds to induce out-of-State relocation of businesses, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2412, Pub. L. 88-210, title IV, §412, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for development, production, and distribution of instructional telecommunications materials and services, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 322 of Pub. L. 88-210 was classified to section 2382 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 322 of Pub. L. 88-210 was classified to section 2372 of this title, prior to repeal by Pub. L. 101-392.

§ 2413. State administrative costs

(a) General rule

Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this chapter, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this chapter, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

(b) Exception

If the amount made available from Federal sources for the administration of programs under this chapter for a fiscal year (referred to in this section as the “determination year”) is less than the amount made available from Federal sources for the administration of programs under this chapter for the preceding fiscal year, then the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for the administration of programs under this chapter for the determination year under subsection (a) shall bear the same ratio to the amount the eligible agency provided from non-Federal sources for such costs for the preceding fiscal year, as the amount made available from Federal sources for the administration of programs under this chapter for the determination year bears to the amount made available from Federal sources for the administration of programs under this chapter for the preceding fiscal year.

(Pub. L. 88-210, title III, §323, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

PRIOR PROVISIONS

A prior section 2413, Pub. L. 88-210, title III, §323, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3124, related to State administrative costs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2413, Pub. L. 88-210, title IV, §413, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 813, authorized establishment of demonstration centers for training of dislocated workers, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2413, Pub. L. 88-210, title IV, §413, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2471, related to program of competitive grants to State boards for State programs involving loan of high-technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

A prior section 323 of Pub. L. 88-210 was classified to section 2383 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 323 of Pub. L. 88-210 was classified to section 2373 of this title, prior to repeal by Pub. L. 101-392.

§ 2414. Student assistance and other Federal programs

(a) Attendance costs not treated as income or resources

The portion of any student financial assistance received under this chapter that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

(b) Attendance costs

The attendance costs described in this subsection are—

(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

(c) Costs of career and technical education services

Funds made available under this chapter may be used to pay for the costs of career and technical education services required in an individualized education program developed pursuant to section 1414(d) of this title and services necessary to meet the requirements of section 794 of title 29 with respect to ensuring equal access to career and technical education.

(Pub. L. 88-210, title III, § 324, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 746.)

PRIOR PROVISIONS

A prior section 2414, Pub. L. 88-210, title III, § 324, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3124, limited Federal regulations, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2414, Pub. L. 88-210, title IV, § 414, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 813, authorized grants for professional development, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2415, Pub. L. 88-210, title III, § 325, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3124, which related to student assistance and other Federal programs, was omitted in the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2415 and prior sections 2416 to 2424 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2415, Pub. L. 88-210, title IV, § 415, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 817, related to Blue Ribbon Vocational Education Programs.

Another prior section 2415, Pub. L. 88-210, title IV, § 415, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2471, related to establishment by Secretary of demonstration centers for retraining of dislocated workers, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

Section 2416, Pub. L. 88-210, title IV, § 416, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat.

818, related to development of business and education standards.

Section 2417, Pub. L. 88-210, title IV, § 417, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 818, related to educational programs for Federal correctional institutions.

Another prior section 2417, Pub. L. 88-210, title IV, § 417, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2471; amended Pub. L. 99-159, title VII, § 710, Nov. 22, 1985, 99 Stat. 907, related to establishment of grant program to establish and operate model centers for vocational education for older individuals, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

Section 2418, Pub. L. 88-210, title IV, § 418, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 819, related to dropout prevention.

Section 2419, Pub. L. 88-210, title IV, § 419, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 819, related to model programs of regional training for skilled trades.

Section 2420, Pub. L. 88-210, title IV, § 420, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 820; amended Pub. L. 103-382, title III, § 391(s)(6), Oct. 20, 1994, 108 Stat. 4025, related to demonstration projects for integration of vocational and academic learning.

Section 2420a, Pub. L. 88-210, title IV, § 420A, as added Pub. L. 101-392, title IV, § 406(a), Sept. 25, 1990, 104 Stat. 820, related to cooperative demonstration programs.

Section 2421, Pub. L. 88-210, title IV, § 421, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2472; amended Pub. L. 101-392, title IV, § 407, Sept. 25, 1990, 104 Stat. 822; Pub. L. 101-476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-227, title X, § 1021, Mar. 31, 1994, 108 Stat. 269, authorized vocational education and occupational information data systems.

Section 2422, Pub. L. 88-210, title IV, § 422, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2473; amended Pub. L. 101-392, title IV, § 408, Sept. 25, 1990, 104 Stat. 825; Pub. L. 103-227, title IX, § 991, Mar. 31, 1994, 108 Stat. 264, related to National Occupational Information Coordinating Committee.

Section 2423, Pub. L. 88-210, title IV, § 423, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2474; amended Pub. L. 101-392, title IV, § 409, Sept. 25, 1990, 104 Stat. 827, related to information base for vocational education data system.

Section 2424, Pub. L. 88-210, title IV, § 424, as added Pub. L. 101-392, title IV, § 410, Sept. 25, 1990, 104 Stat. 829, related to collection of information at reasonable cost and cooperation of States.

A prior section 2431, Pub. L. 88-210, title IV, § 431, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2474, established National Council on Vocational Education, prior to repeal by Pub. L. 101-392, title IV, § 411(a), (c), Sept. 25, 1990, 104 Stat. 829, effective Oct. 1, 1991.

Prior sections 2441 to 2461 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2441, Pub. L. 88-210, title IV, § 441, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2477; amended Pub. L. 104-66, title I, § 1041(h), Dec. 21, 1995, 109 Stat. 715, authorized grants for bilingual vocational training.

Section 2451, Pub. L. 88-210, title IV, § 451, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2479; amended Pub. L. 101-392, title IV, § 412, Sept. 25, 1990, 104 Stat. 829, related to distribution of assistance.

Section 2461, Pub. L. 88-210, title V, § 501, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2479, related to Federal payments to States.

A prior section 2462, Pub. L. 88-210, title V, § 502, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2479; amended Pub. L. 99-159, title VII, § 711, Nov. 22, 1985, 99 Stat. 907, related to Federal share of, and non-Federal contributions for, costs of vocational education programs, prior to repeal by Pub. L. 101-392, title V, § 501(a)(1), title VII, § 702(a), Sept. 25, 1990, 104 Stat. 830, 843, effective July 1, 1991.

A prior section 2463, Pub. L. 88-210, title V, § 502, formerly § 503, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2480; renumbered § 502 and amended Pub. L.

101-392, title V, § 501(a)(2), (b), Sept. 25, 1990, 104 Stat. 830, related to maintenance of effort, prior to the general amendment of this chapter by Pub. L. 105-332.

Prior sections 2464 and 2465 were repealed by Pub. L. 101-392, title V, § 501(a)(1), title VII, § 702(a), Sept. 25, 1990, 104 Stat. 830, 843, effective July 1, 1991.

Section 2464, Pub. L. 88-210, title V, § 504, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2480; amended Pub. L. 99-159, title VII, § 713(a)(3), Nov. 22, 1985, 99 Stat. 907, related to withholding of payments and judicial review of such action.

Section 2465, Pub. L. 88-210, title V, § 505, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2482, required States to conduct biennial audits.

Prior sections 2466 to 2471 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2466, Pub. L. 88-210, title V, § 503, formerly § 506, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2482; renumbered § 503, Pub. L. 101-392, title V, § 501(a)(2), Sept. 25, 1990, 104 Stat. 830, related to authority to make payments. See section 2392 of this title.

Section 2466a, Pub. L. 88-210, title V, § 504, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 830; amended Pub. L. 103-382, title II, § 261(i)(1), Oct. 20, 1994, 108 Stat. 3929, related to regional meetings and negotiated rulemaking.

Section 2466b, Pub. L. 88-210, title V, § 505, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, contained requirements relating to reports, plans, and regulations.

Section 2466c, Pub. L. 88-210, title V, § 506, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, provided for consistency of this chapter with Federal laws guaranteeing civil rights.

Section 2466d, Pub. L. 88-210, title V, § 507, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, related to student assistance and other Federal programs.

Section 2466e, Pub. L. 88-210, title V, § 508, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, related to Federal monitoring of compliance with this chapter.

Section 2468, Pub. L. 88-210, title V, § 511, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 832, related to use of funds for joint funding of programs.

Section 2468a, Pub. L. 88-210, title V, § 512, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 832, related to review of regulations.

Section 2468b, Pub. L. 88-210, title V, § 513, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, related to identification of State-imposed requirements.

Section 2468c, Pub. L. 88-210, title V, § 514, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, prohibited use of funds to induce out-of-State relocation of businesses. See section 2412 of this title.

Section 2468d, Pub. L. 88-210, title V, § 515, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, related to State administrative costs. See section 2413 of this title.

Section 2468e, Pub. L. 88-210, title V, § 516, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, contained additional administrative provisions.

Section 2471, Pub. L. 88-210, title V, § 521, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2482; amended Pub. L. 99-159, title VII, § 713(a)(4), Nov. 22, 1985, 99 Stat. 907; Pub. L. 101-392, title V, § 502, Sept. 25, 1990, 104 Stat. 834; Pub. L. 103-382, title III, § 391(s)(7), (8), Oct. 20, 1994, 108 Stat. 4025; Pub. L. 104-193, title I, § 110(i)(3), Aug. 22, 1996, 110 Stat. 2172, defined terms for purposes of this chapter.

CHAPTER 45—CAREER EDUCATION AND CAREER DEVELOPMENT

SUBCHAPTER I—CAREER EDUCATION AND DEVELOPMENT PROGRAMS AND ACTIVITIES

Sec.
2501. Statement of purpose.

Sec.
2502. Funding requirements.
2503. Administration by Office of Career Education.
2504. Prerequisites for State participation.
2505. Grants or contracts.
2506. Functions of National Advisory Council for Career Education.

SUBCHAPTER II—GUIDANCE AND COUNSELING ACTIVITIES AND PROGRAMS

2531. Congressional findings.
2532. Authorization of appropriations.
2533. Administration by unit in Department of Education.
2534. Contracts and grants to States, educational agencies, etc.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

2561 to 2563. Omitted.
2564. Departmental day care center facilities; establishment; fees and charges; equipment and operation by appropriated funds.
2565. Wayne Morse Chair of Law and Politics.
2566. Hubert H. Humphrey Institute of Public Affairs; grants for development.
2567. Everett McKinley Dirksen Congressional Leadership Research Center; grants for development.
2568. Payments to Humphrey Institute and Dirksen Center; procedures applicable.
2569. Authorization of appropriations for Humphrey Institute and Dirksen Center.

SUBCHAPTER I—CAREER EDUCATION AND DEVELOPMENT PROGRAMS AND ACTIVITIES

§ 2501. Statement of purpose

It is the purpose of this subchapter to provide Federal assistance to States to enable them to plan for the development of career education and career development programs and activities for individuals of all ages, and to plan for the improvement of existing programs and activities, in the areas of awareness, exploration, planning, and decisionmaking of individuals served with regard to career opportunities and career development throughout the lifetimes of such individuals, through—

(1) planning for the development of information on the needs for career education and career development for all individuals;

(2) planning for the promotion of a national dialogue on career education and career development designed to encourage each State and local educational agency to determine and adopt the approach best suited to the needs of the individuals served by each such agency;

(3) planning for the assessment of the status of career education and career development programs and practices, including a reassessment of the stereotyping of career opportunities by race or by sex;

(4) planning for the demonstration of the best of the current career education and career development programs and practices by planning to develop and test exemplary programs and practices using various theories, concepts, and approaches with respect to career education and through planning for a nationwide system of regional career education centers;

(5) planning for the training and retraining of persons for conducting career education and career development programs; and